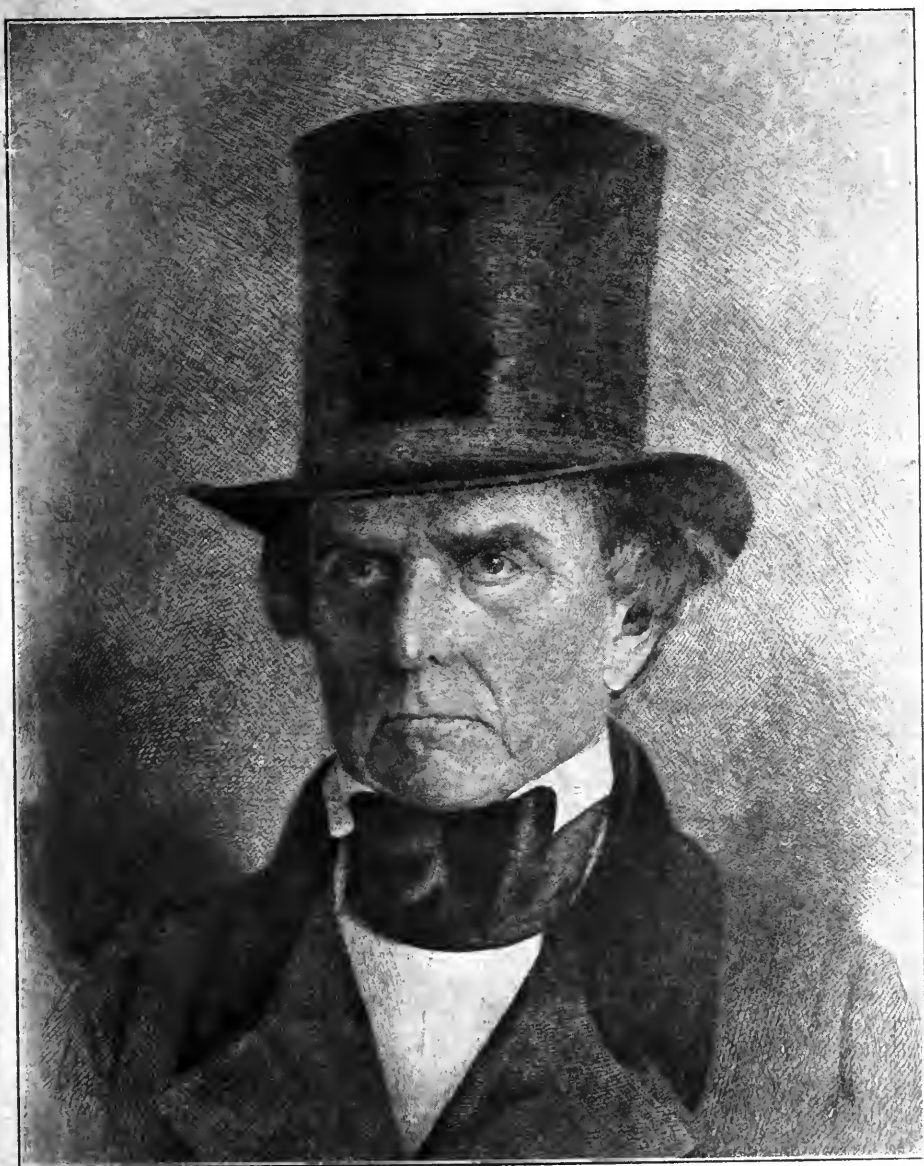


Life of Daniel Webster

By Edward Everett



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THE LIFE
OF
DANIEL WEBSTER



BY
EDWARD EVERETT



FROM
The Makers of American History



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EDITOR'S PREFACE

The author of this biographical memoir of Daniel Webster was one of the noted men of his time. An eloquent Unitarian clergyman, Edward Everett was sought and served as Professor of Greek Literature in Harvard College, was elected ten continuous years in Congress, then four years successively as Governor of Massachusetts, was United States minister to England during Mr. Webster's secretaryship of state under Presidents Harrison and Tyler, and was the successor of that great man in the State Department after Webster's death. He was President of Harvard for three years, then elected United State Senator from Massachusetts, but feeble health compelled his resignation within a year. He was a noted orator, of a polished and elaborate style, and much sought after on occasions of literary or political importance. From youth to death he was a friend, admirer, and intimate associate of Daniel Webster, and therefore his account of the public services of the Massachusetts Senator are sure to be authentic and to represent matters from Mr. Webster's point of view—a matter of concern, if we would understand a man's words and deeds, and, further still, his motives.

The Memoir is naturally very full in explanation of certain disputed matters, which, however significant in their day, have passed out of remembrance. It contains many noble passages from Mr. Webster's speeches, and correspondence throwing light upon matters of discussion; it enlarges upon some points of importance in solving questions yet in abeyance when the memoir was written—in Mr. Webster's lifetime, but not now; and in other ways it presents matter which has been deemed unnecessary to the purposes of this Series, aiming to give authentic, readable, terse biographies of our greatest Americans. Material of that nature, therefore, has been eliminated; but the interest and the authority of the memoir stands unquestionable, the abridgment serving merely to relieve it of details no longer of concern to the general reader of to-day.

LIFE OF DANIEL WEBSTER

CHAPTER I

Parentage and Birth.—Early Education.—Exeter Academy.—Dartmouth College.—Study of the Law.—Fryeburg in Maine.—In the Office of Hon. Christopher Gore.—Admission to the Bar.—Commencement of Practice.—Removal to Portsmouth.

THE family of Daniel Webster has been established in America from a very early period. It was of Scottish origin, but passed some time in England before the final emigration. Thomas Webster, the remotest ancestor who can be traced, was settled at Hampton, on the coast of New Hampshire, as early as 1636, sixteen years after the landing at Plymouth, and six years from the arrival of Governor Winthrop in Massachusetts Bay. The descent from Thomas Webster to Daniel can be traced in the church and town records of Hampton, Kingston (now East Kingston), and Salisbury. These records and the mouldering headstones of village graveyards are the herald's office of the fathers of New England. Noah Webster, the learned author of the American Dictionary of the English Language, was of a collateral branch of the family.

Ebenezer Webster, the father of Daniel, is still recollected in Kingston and Salisbury. His personal appearance was striking. He was erect, of athletic

stature, six feet high, broad and full in the chest. Long service in the wars had given him a military air and carriage. He belonged to that intrepid border race, which lined the whole frontier of the Anglo-American colonies, by turns farmers, hunters, and soldiers, and passing their lives in one long struggle with the hardships of an infant settlement, on the skirts of a primeval forest. Ebenezer Webster enlisted early in life as a common soldier, in one of those formidable companies of rangers, which rendered such important services under Sir Jeffrey Amherst and Wolfe in the Seven Years' War. He followed the former distinguished leader in the invasion of Canada, attracted the attention and gained the good-will of his superior officers by his brave and faithful conduct, and rose to the rank of a captain before the end of the war.

Captain Webster was one of the settlers of the newly granted township of Salisbury, and received an allotment in its northerly portion. More adventurous than others of the company, he cut his way deeper into the wilderness, and made the path he could not find. At this time his nearest civilized neighbors on the northwest were at Montreal.

The following allusion of Mr. Webster to his birthplace will be read with interest. It is from a speech delivered before a great public assembly at Saratoga, in the year 1840:

"It did not happen to me to be born in a log cabin; but my elder brothers and sisters were born in a log cabin, raised amid the snowdrifts of New Hampshire, at a period so early that, when the smoke first rose from its rude chimney, and

curled over the frozen hills, there was no similar evidence of a white man's habitation between it and the settlements on the rivers of Canada. Its remains still exist. I make to it an annual visit. I carry my children to it to teach them the hardships endured by the generations which have gone before them. I love to dwell on the tender recollections, the kindred ties, the early affections, and the touching narratives and incidents, which mingle with all I know of this primitive family abode."

Soon after his settlement in Salisbury, the first wife of Ebenezer Webster having deceased, he married Abigail Eastman, who became the mother of Ezekiel and Daniel Webster, the only sons of the second marriage. Like the mothers of so many men of eminence, she was a woman of more than ordinary intellect, and possessed a force of character which was felt throughout the humble circle in which she moved.

About the time of his second marriage, Captain Ebenezer Webster erected a frame house hard by the log cabin. He dug a well near it and planted an elm sapling. In this house Daniel Webster was born, in the last year of the Revolutionary war, on the 18th of January, 1782.

The interval between the peace of 1763 and the breaking out of the war of the Revolution was one of excitement and anxiety throughout the Colonies. Like so many of the officers and soldiers of the former war, Captain Webster obeyed the first call to arms in the new struggle. He commanded a company, chiefly composed of his own townspeople, friends, and kindred, who followed him through the greater portion of the war. He was at the battle of White Plains, and was at West Point when the

treason of Arnold was discovered. He acted as a Major under Stark at Bennington, and contributed his share to the success of that eventful day.

If the character and situation of the place, and the circumstances under which Daniel Webster passed the first years of his life, might seem adverse to the early cultivation of his extraordinary talent, it still cannot be doubted that they possessed influences favorable to elevation and strength of character. The hardships of an infant settlement and border life, the traditions of a long series of Indian wars, and incidents of two mighty national contests, in which an honored parent had borne his part, were circumstances to leave an abiding impression on the mind of a thoughtful child, and induce an early maturity of character.

It may well be supposed that Mr. Webster's early opportunities for education were very scanty. Something that was called a school was kept for two or three months in the winter, frequently by an itinerant, too often a pretender, claiming only to teach a little reading, writing, and ciphering, and wholly incompetent to give any valuable assistance to a clever youth in learning either.

From the village library at Salisbury, also, Mr. Webster was able to obtain a moderate supply of good reading.

The year before Mr. Webster was born was rendered memorable in New Hampshire by the foundation of the Acadmey at Exeter, through the munificence of the Honorable John Phillips. To this Academy Mr. Webster was taken by his father in

May, 1796. He enjoyed the advantage of only a few months' instruction in this excellent school; but, short as the period was, his mind appears to have received an impulse of a most genial and quickening character. The following anecdote from Mr. March's "Reminiscences of Congress" will not be thought out of place in this connection:—

"It may appear somewhat singular that the greatest orator of modern times should have evinced in his boyhood the strongest antipathy to public declamation. This fact, however, is established by his own words, which have recently appeared in print. 'I believe,' says Mr. Webster, 'I made tolerable progress in most branches which I attended to while in this school; but there was one thing I could not do. I could not make a declamation. I could not speak before the school. The kind and excellent Buckminster sought especially to persuade me to perform the exercise of declamation, like other boys, but I could not do it. Many a piece did I commit to memory, and recite and rehearse in my own room, over and over again; yet when the day came, when the school collected to hear declamations, when my name was called, and I saw all eyes turned to my seat, I could not raise myself from it. Sometimes the instructors frowned, sometimes they smiled. Mr. Buckminster always pressed and entreated, most winningly, that I would venture. But I never could command sufficient resolution.' Such diffidence of its own powers may be natural to genius, nervously fearful of being unable to reach that ideal which it proposes as the only full consummation of its wishes. It is fortunate, however, for the age, fortunate for all ages, that Mr. Webster by determined will and frequent trial overcame this moral incapacity, as his great prototype, the Grecian orator, subdued his physical defect."—pp. 12, 13.

After a few months well spent at Exeter, Mr. Webster returned home, and in February, 1797, was placed by his father under the Rev. Samuel Wood, the minister of the neighboring town of Boscawen,

He lived in Mr. Wood's family, and for board and instruction the entire charge was one dollar per week.

On their way to Mr. Wood's, Mr. Webster's father first opened to his son, now fifteen years old, the design of sending him to college, the thought of which had never before entered his mind. "I remember," says Mr. Webster, in an autobiographical memorandum of his boyhood, "the very hill which we were ascending, through deep snows, in a New England sleigh, when my father made known this purpose to me. I could not speak. How could he, I thought, with so large a family and in such narrow circumstances, think of incurring so great an expense for me. A warm glow ran all over me, and I laid my head on my father's shoulder and wept."

From February till August, 1797, Mr. Webster remained under the instruction of Mr. Wood, at Boscawen, and completed his preparation for college. It is hardly necessary to say, that the preparation was imperfect. Short as was his period of preparation, however, it enabled Mr. Webster to lay the foundation of a knowledge of the classical writers, especially the Latin, which was greatly increased in college, and which was kept up by constant recurrence to the great models of antiquity, during the busiest periods of active life. The happiness of Mr. Webster's occasional citations from the Latin classics was a striking feature of his oratory.

Mr. Webster entered Dartmouth College in 1797, and passed the four academic years in assiduous study. He was not only distinguished for his at-

tention to the prescribed studies, but devoted himself to general reading, especially to English history and literature. He took part in the publication of a little weekly newspaper, furnishing selections from books and magazines, with an occasional article from his own pen. He delivered addresses, also, before the college societies, some of which were published. In the winter vacations he taught school.

Mr. Webster completed his college course in August, 1801, and immediately entered the office of Mr. Thompson, the next-door neighbor of his father, as a student of law, where he remained until application was made to him to take charge of an academy at Fryeburg in Maine, upon a salary of about one dollar *per diem*, being less than is now paid for the coarsest kind of unskilled manual labor. As he was able, besides, to earn enough to pay for his board and to defray his other expenses by acting as assistant to the register of deeds for the county, his salary was all saved,—a fund for his own professional education and to help his brother through college.

In September, 1802, Mr. Webster returned to Salisbury, and resumed his studies under Mr. Thompson, in whose office he remained for eighteen months. Besides his law studies, he gave a good deal of time to general reading, and especially the study of the Latin classics, English history, and the volumes of Shakespeare. In order to obtain a wider compass of knowledge, and to learn something of the language not to be gained from the classics, he read through attentively Puffendorff's "Latin History of England."

In July, 1804, he took up his residence in Boston, and enjoyed the advantage of pursuing his legal studies for six or eight months in the office of the Hon. Christopher Gore, afterwards Governor of Massachusetts, a lawyer of eminence, a statesman and a civilian, a gentleman of the old school of manners, and a rare example of distinguished intellectual qualities, united with practical good sense and judgment. He had passed several years in England as a commissioner, under Jay's treaty, for liquidating the claims of citizens of the United States for seizures by British cruisers in the early wars of the French Revolution. His library, amply furnished with works of professional and general literature, his large experience of men and things at home and abroad, and his uncommon amenity of temper, combined to make the period passed by Mr. Webster in his office one of the pleasantest in his life. These advantages, it hardly need be said, were not thrown away.

Just as he was about to be admitted to practise in the Suffolk Court of Common Pleas in Massachusetts, the place of clerk in the Court of Common Pleas for the county of Hillsborough, in New Hampshire, became vacant. Of this court Mr. Webster's father had been made one of the judges, in conformity with a very common practice at that time, of placing on the side bench of the lower courts men of intelligence and respectability, though not lawyers. From regard to Judge Webster, the vacant clerkship was offered by his colleagues to his son. The fees of the office were about fifteen hun-

dred dollars *per annum*, which in those days and in that region was not so much a competence as a fortune. Mr. Webster himself was disposed to accept the office. It promised an immediate provision in lieu of a distant and doubtful prospect. It enabled him at once to bring comfort into his father's family. But the earnest dissuasions of Mr. Gore, who saw in this step the certain postponement, perhaps the final defeat, of all hopes of professional advancement, prevented his accepting the office. In the spring of the same year (1805) Mr. Webster was admitted to the practice of the law in the Court of Common Pleas for Suffolk County, Boston.

Immediately on his admission to the bar, Mr. Webster went to Amherst, in New Hampshire, where his father's court was in session; from that place he went home with his father, who was now infirm from the advance of years, and had no other son at home. Under these circumstances Mr. Webster opened an office at Boscawen, not far from his father's residence, and commenced the practice of the law in this retired spot. Judge Webster lived but a year; long enough, however, to hear his son's first argument in court, and to be gratified with the confident predictions of his future success.

In May, 1807, Mr. Webster was admitted as an attorney and counsellor of the Superior Court in New Hampshire, and in September of that year, relinquishing his office in Boscawen to his brother Ezekiel, he removed to Portsmouth, in conformity with his original intention. Here he remained in the practice of his profession for nine successive

years. They were years of assiduous labor, and of unremitted devotion to the study and practice of the law. He was associated with several persons of great eminence, citizens of New Hampshire or of Massachusetts occasionally practising at the Portsmouth bar. Among the latter were Samuel Dexter and Joseph Story; of the residents of New Hampshire, Jeremiah Mason was the most distinguished. Often opposed to each other as lawyers, a strong personal friendship grew up between them, which ended only with the death of Mr. Mason.

Although dividing with Mr. Mason the best of the business of Portsmouth, and indeed of all the eastern portion of the State, Mr. Webster's practice was mostly on the circuit. He followed the Superior Court through the principal counties of the State, and was retained in nearly every important cause. It is a somewhat singular fact in his professional life, that, with the exception of the occasions on which he has been associated with the Attorney-General of the United States for the time being, he has hardly appeared ten times as junior counsel. Within the sphere in which he was placed, he may be said to have risen at once to the head of his profession; not, however, like Erskine and some other celebrated British lawyers, by one and the same bound, at once to fame and fortune. Mr. Webster's practice in New Hampshire, though probably as good as that of any of his contemporaries, was never lucrative. Although exclusively devoted to his profession, it afforded him no more than a bare livelihood.

CHAPTER II

Public Life.—Election to Congress.—Extra Session of 1813.—Foreign Relations.—Berlin and Milan Decrees.—Naval Defence.—Reëlected to Congress in 1814.—Peace with England.—National Bank.—Battle of New Orleans.—New Questions.—The Tariff Policy.—Specie Payments.—Removal to Boston.

MR. WEBSTER had hitherto taken less interest in politics than has been usual with the young men of talent, at least with the young lawyers of America. In fact, at the time to which the preceding narrative refers, the politics of the country were in such a state, that there was scarce any course which could be pursued with entire satisfaction by a patriotic young man sagacious enough to penetrate behind mere party names, and to view public questions in their true light. The United States, although not actually drawn to any great depth into the vortex of the French Revolution, were powerfully affected by it. The deadly struggle of the two great European belligerents, in which the neutral rights of this country were grossly violated by both, gave a complexion to our domestic politics.

The aggressions of the belligerents on our neutral commerce continued, and, by the joint effect of the Berlin and Milan Decrees and the Orders in Council, it was all but swept from the ocean. In this state of things two courses were open to the United

States, as a growing neutral power: one, that of prompt resistance to the aggressive policy of the belligerents; the other, that which was called "the restrictive system," which consisted in an embargo on our own vessels, with a view to withdraw them from the grasp of foreign cruisers, and in laws inhibiting commercial intercourse with England and France. There was a division of opinion in the cabinet of Mr. Jefferson and in the country at large. The latter policy was finally adopted. It fell in with the general views of Mr. Jefferson against committing the country to the risks of foreign war.

Although the discipline of party was sufficiently strong to cause this system of measures to be adopted and pursued for years, it was never cordially approved by the people of the United States of any party. It continued, however, to form the basis of our party divisions till the war of 1812. In these divisions, as has been intimated, both parties were in a false position; the one supporting and forcing upon the country a system of measures not cordially approved, even by themselves; the other, a powerless minority, zealously opposing those measures, but liable for that reason to be thought backward in asserting the neutral rights of the country. A few men of well-balanced minds, true patriotism, and sound statesmanship, in all sections of the country, were able to unite fidelity to their party associations with a comprehensive view to the good of the country. Among these, mature beyond his years, was Mr. Webster. As early as 1806 he had, in a public oration, presented an impartial view of the

foreign relations of the country in reference to both belligerents, of the importance of our commercial interests and the duty of protecting them.

At length the foreign belligerents themselves perceived the folly and injustice of their measures. In the strife which should inflict the greatest injury on the other, they had paralyzed the commerce of the world and embittered the minds of all the neutral powers. The Berlin and Milan Decrees were revoked, but in a manner so unsatisfactory as in a great degree to impair the pacific tendency of the measure. The Orders in Council were also rescinded in the summer of 1812. War, however, justly provoked by each and both of the parties, had meantime been declared by Congress against England, and active hostilities had been commenced on the frontier. At the elections next ensuing, Mr. Webster was brought forward as a candidate for Congress of the Federal party of that day, and, having been chosen in the month of November, 1812, he took his seat at the first session of the Thirteenth Congress, which was an extra session called in May, 1813. Although his course of life hitherto had been in what may be called a provincial sphere, and he had never been a member even of the legislature of his native State, a presentiment of his ability seems to have gone before him to Washington. He was, in the organization of the House, placed by Mr. Clay, its Speaker, upon the Committee of Foreign Affairs, a select committee at that time, and of necessity the leading committee in a state of war.

There were many men of uncommon ability in the

Thirteenth Congress. Rarely has so much talent been found at any one time in the House of Representatives. Although among the youngest and least experienced members of the body, Mr. Webster rose, from the first, to a position of undisputed equality with the most distinguished. The times were critical. The immediate business to be attended to was the financial and military conduct of the war, a subject of difficulty and importance. The position of Mr. Webster was not such as to require or permit him to take a lead; but it was his steady aim, without the sacrifice of his principles, to pursue such a course as would tend most effectually to extricate the country from the embarrassments of her present position, and to lead to peace upon honorable terms.

Mr. Webster was not a member of Congress when war was declared, nor in any other public station. He was too deeply read in the law of nations, and regarded that august code with too much respect, not to contemplate with indignation its infraction by both the belligerents.

Early in the session, he moved a series of resolutions of inquiry, relative to the repeal of the Berlin and Milan Decrees. The object of these resolutions was to elicit a communication on this subject from the executive, which would unfold the proximate causes of the war, as far as they were to be sought in those famous Decrees, and in the Orders in Council. On the 10th of June, 1813, Mr. Webster delivered his maiden speech on these resolutions. No full report of this speech has been preserved. It is known only from extremely imperfect sketches, con-

tained in the contemporaneous newspaper accounts of the proceedings of Congress, from the recollection of those who heard it, and from the general tradition. It was marked by all the characteristics of Mr. Webster's maturest parliamentary efforts,—moderation of tone, precision of statement, force of reasoning, absence of ambitious rhetoric and high-flown language, occasional bursts of true eloquence, and, pervading the whole, a genuine and fervid patriotism. We have reason to believe that its effect upon the House is accurately described in the following extract from Mr. March's work :

"The speech took the House by surprise, not so much from its eloquence as from the vast amount of historical knowledge and illustrative ability displayed in it. How a person, untrained to forensic contests and unused to public affairs, could exhibit so much parliamentary tact, such nice appreciation of the difficulties of a difficult question, and such quiet facility in surmounting them, puzzled the mind. The age and inexperience of the speaker had prepared the House for no such display, and astonishment for a time subdued the expression of its admiration."—pp. 35, 36.

The resolutions moved by Mr. Webster prevailed by a large majority, and drew forth from Mr. Monroe, then Secretary of State, an elaborate and instructive report upon the subject to which they referred.

We have already observed, that, as early as 1806, Mr. Webster had expressed himself in favor of the protection of our commerce against the aggressions of both the belligerents. Some years later, before the war was declared, but when it was visibly

impending, he had put forth some vigorous articles to the same effect. In an oration delivered in 1812, he had said: "A navy sufficient for the defence of our coasts and harbors, for the convoy of important branches of our trade, and sufficient also to give our enemies to understand, when they injure us, that *they* too are vulnerable, and that we have the power of retaliation as well as of defence, seems to be the plain, necessary, indispensable policy of the nation. It is the dictate of nature and common sense, that means of defence shall have relation to the danger."

The principal subjects on which Mr. Webster addressed the House during the Thirteenth Congress were his own resolutions, the increase of the navy, the repeal of the embargo, and an appeal from the decision of the chair on a motion for the previous question. His speeches on those questions raised him to the front rank of debaters. He manifested upon his entrance into public life that variety of knowledge, familiarity with the history and traditions of the government, and self-possession on the floor, which in most cases are acquired by time and long experience. They gained for him the reputation indicated by the well-known remark of Mr. Lowndes, that "the North had not his equal, nor the South his superior." It was not the least conspicuous of the strongly marked qualities of his character as a public man, disclosed at this early period, and uniformly preserved throughout his career, that, at a time when party spirit went to great lengths, he never permitted himself to be infected

with its contagion. His opinions were firmly maintained and boldly expressed; but without bitterness toward those who differed from him. He cultivated friendly relations on both sides of the House, and gained the personal respect even of those with whom he most differed.

In August, 1814, Mr. Webster was reëlected to Congress. The treaty of Ghent was signed in December, 1814, and the prospect of peace, universally welcomed by the country, opened on the Thirteenth Congress toward the close of its third session. Earlier in the session a project for a Bank of the United States was introduced into the House of Representatives on the recommendation of Mr. Dallas, Secretary of the Treasury. The charter of the first incorporated bank of the United States had expired in 1811. No general complaints of mismanagement or abuse had been raised against this institution; but the opinions entertained by what has been called the "Virginia School" of politicians, against the constitutionality of a national bank, prevented the renewal of the charter. The want of such an institution was severely felt in the war of 1812, although it is probable that the amount of assistance which it could have afforded the financial operations of the government was greatly overrated. Be this as it may, both the Treasury Department and Congress were now strongly disposed to create a bank. Its capital was to consist of forty-five millions of the public stocks and five millions of specie, and it was to be under obligation to lend the government thirty millions of dollars on demand. To

enable it to exist under these conditions, it was relieved from the necessity of redeeming its notes in specie. In other words, it was an arrangement for the issue of an irredeemable paper currency. It was opposed mainly on this ground by Mr. Calhoun, Mr. Webster, Mr. Lowndes, and others of the ablest men on both sides of the House, as a project not only unsound in its principles, but sure to increase the derangement of the currency already existing. The project was supported as an administration measure, but the leading members from South Carolina and their friends united with the regular opposition against it, and it was lost by the casting vote of the Speaker, Mr. Cheves. It was revived by reconsideration, on motion of Mr. Webster, and such amendments introduced that it passed the House by a large majority. It was carried through the Senate in this amended form with difficulty, but it was negatived by Mr. Madison, being one of the two cases in which he exercised the veto power during his eight years' administration.

On the 8th of January of the year 1815, the victory at New Orleans was gained by General Jackson. No occurrence on land, in the course of the war, was of equal immediate interest, or destined to have so abiding an influence on the future. Besides averting the indescribable calamity of the sack of a populous and flourishing city, it showed the immense military power of the volunteer force of the country, when commanded with energy and skill. The praises of General Jackson were on every

tongue throughout the land, and Congress responded to the grateful feelings of the country. A vote of thanks was unanimously passed by the Senate and House of Representatives.

In the interval between the Thirteenth and Fourteenth Congresses (March-December, 1815), Mr. Webster was busily engaged at home in the practice of the law. He had begun at this time to consider the expediency of removing his residence to a wider professional field. Though receiving a full share of the best business of New Hampshire, it ceased to yield an adequate support for his increasing family, and still more failed to afford any thing like the just reward of his legal attainment and labors. The destruction of his house, furniture, library, and many important manuscript collections, in "the great fire" at Portsmouth, in December, 1813, had entailed upon him the loss of the entire fruits of his professional industry up to that time, and made it necessary for him to look around him for the means of a considerably increased income. He hesitated between Albany and Boston; and, in consequence of this indecision, the execution of his purpose was for the present postponed.

The Fourteenth Congress assembled in December, 1815. An order of things in a great degree new presented itself. After a momentary pause, the country rose with an elastic bound from the pressure of the war. Old party dissensions had lost much of their interest. The condition of Europe had undergone a great change. The power of the French emperor was annihilated; and with the return of

general peace, all occasions for belligerent encroachments on neutral rights had ceased. Two-thirds of our domestic feuds had turned on foreign questions, and there was a spontaneous feeling throughout the country in favor of healing the wounds which these feuds had inflicted upon its social and political harmony. Nor was this all. New relations and interests had arisen. The public debt had been swelled by the war expenditure to a large amount, and its interest was to be paid. Domestic manufactures had, in some of the States, grown up into importance through the operation of the restrictive system and the war, and asked for protection. The West began to fill up with unexampled rapidity, and required new facilities of communication with the Atlantic coast. The navy had fought itself into favor, and the war with Algiers, in 1816, forbade its reduction below the recent war establishment. The necessity of a system of coast defences had made itself felt. With all these loud calls for increased expenditure, the public finances were embarrassed and the currency was in extreme disorder. In a word, there were new and great wants and interests at home and abroad, throwing former topics of dissension into the shade, and calling for the highest efforts of statesmanship and a patriotism embracing the whole country.

Among those who responded with the greatest cordiality and promptness to the new demand were the distinguished statesmen of the preceding Congress, and conspicuous among them Clay, Calhoun, Webster, Lowndes, and Cheves. It will excite some

surprise at the present day, in consideration of the political history of the last thirty years, to find how little difference as to leading measures existed in 1816 between these distinguished statesmen. No line of general party difference separated the members of the first Congress after the peace. The great measures brought forward were a national bank, internal improvement, and a protective tariff. On these various subjects members divided, not in accordance with any party organization, but from individual convictions, supposed sectional interests, and general public grounds. On the two first-named subjects no systematic difference of views disclosed itself between the great Northern and Southern leaders; on the third alone there was diversity of opinion. In the Northern States considerable advances had been made in manufacturing industry, in different places, especially at Waltham (Mass.); but a great manufacturing interest had not yet grown up. The strength of this interest as yet lay mainly in Pennsylvania. Navigation and foreign trade were the leading pursuits of the North; and these interests, it was feared, would suffer from the attempt to build up manufactures by a protective tariff. It is accordingly a well-known fact, which may teach all to entertain opinions on public questions with some distrust of their own judgment, that the tariff of 1816, containing the *minimum* duty on coarse cotton fabrics, the corner-stone of the protective system, was supported by Mr. Calhoun and a few other Southern members, and carried by their influence against the opposition of the New Eng-

land members generally, including Mr. Webster. It has been stated, that, during the pendency of this law before Congress, he denied the constitutionality of the tariff for protection. This statement is inaccurate; although, had it been true, it would have placed him only in the same relation to the question with Mr. Calhoun and other Southern members, who at that time admitted the principle of protection, but lived to reject it as the grossest and most pernicious constitutional heresy. It would have shown only that, in a long political career, he had, on the first discussion of a new question, expressed an opinion which, in the lapse of time and under a change of circumstances, he had seen occasion to alter. This is no ground of just reproach. It has happened to every public man in every free country, who has been of importance enough to have his early opinions remembered.

At a later period, and after it had been confidently stated, and satisfactorily shown by Mr. Madison, that the Federal Convention that framed the Constitution intended, under the provision for regulating commerce, to clothe Congress with the power of laying duties for the protection of manufactures, and after Congress had, by repeated laws passed against the wishes of the navigating and strictly commercial interests, practically settled this constitutional question, and turned a vast amount of the capital of the country into the channel of manufactures, Mr. Webster considered a moderate degree of protection as the established policy of the United States and he accordingly supported it. It is un-

necessary to state, that this course was pursued with the approbation of his constituents, and to the manifest good of the country. No change took place in Mr. Webster's opinions on the subject of protection which was not generally shared and sanctioned by the intelligence of the manufacturing States.

Mr. Webster took an active and efficient part, at the first session of the Fourteenth Congress, in the debates on the charter of the Bank of the United States, which passed Congress in April, 1816. But the great service rendered by him to the currency of the country in the Fourteenth Congress was in procuring the adoption of the specie resolution, in virtue of which, from and after the 20th of February, 1817, all debts due to the treasury were required to be paid in the legal currency of the country (gold or silver), in treasury notes, or the notes of the Bank of the United States, or in notes of banks which are payable and paid on demand in the same legal currency. This resolution passed the two houses, and was approved by the President on the 30th of April, 1816. It completely accomplished its object; and that object was to restore to a sound basis the currency of the country, and to give the people a uniform circulating medium. Of this they were destitute at the close of the war. All the banks, except those of the New England States, had suspended specie payments; but their depreciated bills were permitted by general consent, and within certain limits, to circulate as money. They were received of each other by the different banks; they passed from hand to hand; and even the public rev-

enue was collected at par in this degraded paper. The rate of depreciation was different in different States, and with different banks in the same States, according as greater or less advantage had been taken of the suspension of the specie obligation.

What was not less harassing than this diversity was the uncertainty everywhere prevailing, how far the reputed rate of depreciation in any particular case might represent justly the real condition of a bank or set of banks. In other words, men were obliged to make and receive payments in a currency of which, at the time, the value was not certainly known to them, and which might vary as it was passing through their hands. The enormous injustice suffered by the citizens of different States, in being obliged to pay their dues at the custom-houses in as many different currencies as there were States, varying at least twenty-five per cent. between Boston and Richmond, need not be pointed out. For all these mischiefs the resolution of Mr. Webster afforded a remedy as efficient as simple; and what chiefly moves our astonishment at the present day is, that a measure of this kind, demanded by the first principles of finance, overlooked by the executive and its leading friends in Congress, should be left to be brought forward by one of its youngest members, and he not belonging to the supporters of the administration.

In all the other public measures brought forward in this Congress for meeting the new conditions of the country, Mr. Webster bore an active part, but they furnish no topic requiring illustration. At the

close of the first session, in August, 1816, he removed his domestic and professional headquarters to Boston. He had established friendly relations here at an early period of life. In no part of the Union was his national reputation more cordially recognized than in the metropolis of New England. He took at once the place in his profession which belonged to his commanding talent and legal eminence, and was welcomed into every circle of social life.

CHAPTER III

Constitutional Law.—Dartmouth College Case.—Case o. Gibbons and Ogden.—The Case of Rhode Island.—Mr. Webster's Practice in the U. S. Supreme Court and the State Courts.—Criminal Cases.

WITH Mr. Webster's removal to Boston commenced a period of five or six years' retirement from active political life, during which time, with a single exception which will be hereafter alluded to, he filled no public office, and devoted himself exclusively to the duties of his profession. It was accordingly within this period that his reputation as a lawyer was fixed and established. The promise of his youth, and the expectations of those who had known him as a student, were more than fulfilled. He took a position as a counsellor and an advocate, above which no one has ever risen in the country. A large share of the best business of New England passed into his hands; and the veterans of the Boston bar admitted him to an entire equality of standing, repute, and influence.

Besides the reputation which he acquired in the ordinary routine of practice, Mr. Webster, shortly after his removal to Boston, took the lead in establishing what might almost be called a new school of constitutional law. It fell to his lot to perform a prominent part in unfolding a most important class of

constitutional doctrines, which, either because occasion had not drawn them forth, or the jurists of a former period had failed to deduce and apply them, had not yet grown into a system.

In the months of June and December, 1816, the legislature of New Hampshire passed acts altering the charter of Dartmouth College (of which the name was changed to Dartmouth University), enlarging the number of trustees, and generally reorganizing the corporation. These acts, although passed without the consent and against the protests of the Trustees of the College, went into operation. The newly created body took possession of the corporate property, and assumed the administration of the institution. The old board were all named as members of the new corporation, but declined acting as such, and brought an action against the treasurer of the new board for the books of record, the original charter, the common seal, and other corporate property of the College.

The action was commenced in the Court of Common Pleas for Grafton County, in February, 1817, and carried immediately to the Superior Court, in May of the same year. At the November term it was decided by the Superior Court of New Hampshire, in an opinion delivered by Chief Justice Richardson, that the acts of the New Hampshire legislature were valid and constitutional.

The case thus decided in the Superior Court of New Hampshire in favor of the validity of the State laws, was carried by writ of error to the Supreme Court of the United States, where, on the 10th of

March, 1818, it came on for argument before all the judges, Mr. Webster and Mr. (afterwards Judge) Hopkinson for the plaintiffs, and Mr. J. Holmes of Maine and the Attorney-General, Wirt, for the defendants in error.

It devolved upon Mr. Webster, as junior counsel, to open the case. The ground was broadly taken, that the acts in question were not only against common right and the constitution of New Hampshire, but also, and this was the leading principle, against the provision of the Constitution of the United States which forbids the individual States from passing laws that impair the obligation of contracts. Under the first head, the entire English law relative to educational foundations was unfolded by Mr. Webster, and it was shown that colleges, unless otherwise specifically constituted by their charters, were private eleemosynary corporations, over whose property, members, and franchises the crown has no control, except by due process of law, for acts inconsistent with their charters. The whole learning of the subject was brought to bear with overwhelming weight on this point.

The second main point required to be less elaborately argued; namely, that such a charter is a contract which it is not competent for a State to annul. The argument throughout was pursued with a closeness and vigor which have been rarely witnessed in our courts. The topics were beyond the usual range of forensic investigation in this country. The constitutional principles sought to be applied were of commanding importance. The personal connec-

tion of Mr. Webster with Dartmouth College as the place of his education gave a fervor to his manner, which added, no doubt, to the effect of the reasoning. On this point Mr. Ticknor expresses himself as follows:—

“Mr. Webster’s argument is given in this volume [the first collection of his works], that is, we have there the technical outline; the dry skeleton of it. But those who heard him when it was originally delivered still wonder how such dry bones could ever have lived with the power they there witnessed and felt. He opened his cause, as he always does, with perfect simplicity in the general statement of its facts, and then went on to unfold the topics of his argument in a lucid order, which made each position sustain every other. The logic and the law were rendered irresistible. But as he advanced, his heart warmed to the subject and the occasion. Thoughts and feelings that had grown old with his best affections rose unbidden to his lips. He remembered that the institution he was defending was the one where his own youth had been nurtured; and the moral tenderness and beauty this gave to the grandeur of his thoughts, the sort of religious sensibility it imparted to his urgent appeals and demands for the stern fulfilment of what law and justice required, wrought up the whole audience to an extraordinary state of excitement. Many betrayed strong agitation, many were dissolved in tears. Prominent among them was that eminent lawyer and statesman, Robert Goodloe Harper, who came to him when he resumed his seat, evincing emotions of the highest gratification. When he ceased to speak, there was a perceptible interval before any one was willing to break the silence; and when that vast crowd separated, not one person of the whole number doubted that the man who had that day so moved, astonished, and controlled them, had vindicated for himself a place at the side of the first jurists of the country.”*

The opinion of the court, unanimous, with the exception of Justice Duvall, was pronounced by Chief

* “American Review,” vol. ix. p. 434.

Justice Marshall in the term for 1819, declaring the acts of the legislature of New Hampshire to be unconstitutional and invalid, and reversing the opinion of the court below. By this opinion the law of the land in reference to collegiate charters was firmly established. Henceforward our colleges and universities and their trustees, unless provision to the contrary is made in their acts of incorporation, stand upon the broad basis of common right and justice; holding in like manner as individuals their property and franchises by a firm legal tenure, and not subject to control or interference on the part of the local legislatures on the vague ground that public institutions are at the mercy of the government. That such is the recognized law of the land is owing in no small degree to the ability with which the Dartmouth College case was argued by Mr. Webster. The battle fought and the victory gained in this case were fought and gained for every college and university, for every academy and school, in the United States, endowed with property or possessed of chartered rights. It ought to be mentioned, to the credit of the State of New Hampshire, that she readily acquiesced in the decision of the Supreme Court of the United States, and made no attempt to sustain her recent legislation.

This celebrated cause, argued with such success before the highest tribunal in the country, established Mr. Webster's position in the profession. It placed him at once with Emmett and Pinkney and Wirt, in the front rank of the American bar, and, though considerably the youngest of this illustrious group,

on an equality with the most distinguished of them. He was henceforward retained in almost every considerable cause argued at Washington. No counsel in the United States has probably been engaged in a larger portion of the business brought before that tribunal. While Mr. Webster as a politician and a statesman performed an amount of intellectual labor sufficient to form the sole occupation of an active life, there is no doubt that his arguments to the court and his addresses to the jury in important suits at law would, if they had been reported like his political speeches, have filled a much greater space.

It would exceed the limits of this sketch to allude in detail to all the cases argued by Mr. Webster in the Supreme Court of the United States; still less would it be practicable to trace him through his labors in the State courts. We can barely mention a few of the more considerable causes. The case of *Gibbons and Ogden*, in 1824, is one of great celebrity. In this case the grant by the State of New York to the assignees of *Fulton*, of an exclusive right to navigate the rivers, harbors, and bays of New York by steam, was called in question, and was decided to be unconstitutional, after having been maintained by all the tribunals of that great State. The decision turned upon the principle, that the grant of such a monopoly of the right to enter a portion of the navigable waters of the Union was an encroachment, by the State, upon the power "to regulate commerce,"—a power reserved by the Constitution to Congress, and in its nature exclusive.

The decision of the court was against the monopoly. Few cases in the annals of federal jurisprudence are of equal importance; none, perhaps, was ever argued with greater ability. In the course of his discussion, Mr. Webster said, with great felicity of illustration, that, by the establishment of the Constitution, the commerce of this whole country had become a *unit*, a form of expression used with approbation by Chief Justice Marshall in delivering the opinion of the court.

A very distinguished compliment was paid to Mr. Webster's argument in this case, a quarter of a century after its delivery, by Mr. Justice Wayne of the Supreme Court of the United States, who in a public address of welcome to Savannah, Ga., said to Mr. Webster:—

“From one of your constitutional suggestions, every man in the land has been more or less benefited. We allude to it with the greater pleasure, because it was in a controversy begun by a Georgian in behalf of the constitutional rights of the citizen. When the late Mr. Thomas Gibbons determined to put to hazard a large part of his fortune in testing the constitutionality of the laws of New York limiting the navigation of the waters of that State to steamers belonging to a company, his own interest was not so much concerned as the right of every citizen to use a coasting license upon the waters of the United States, in whatever way their vessels might be propelled. It was a sound view of the law, but not broad enough for the occasion. It is not unlikely that the case would have been decided upon it, if you had not insisted that it should be put upon the broader constitutional ground of commerce and navigation. The court felt the application and force of your reasoning, and it made a decision releasing every creek, and river, lake, bay, and harbor in our country from the interference of monopolies, which had already provoked unfriendly legislation between some of the

States, and which would have been as little favorable to the interest of Fulton, as they were unworthy his genius."

The case of *Ogden and Saunders*, in 1827, brought in question the right of a State to pass an insolvent law. It was of course a case of high constitutional law, belonging to the same general class with those just mentioned, and relating to the limit of the powers of the several States, in reference to matters confided by the Constitution to the General Government. In his argument in this case, Mr. Webster maintained the entire unconstitutionality of State bankrupt laws. The court was divided in opinion, but a majority of the judges held, that, although it was not competent to a State to pass a law discharging a debtor from the obligation of payment, they might pass a law to discharge him from imprisonment on personal execution. The Chief Justice and Judge Story were the minority of the court, and the opinion of the Chief Justice sustained the principle of Mr. Webster's argument, which is, in fact, usually regarded as not falling below his most successful forensic efforts.

In the month of January, 1848, the great Rhode Island case was brought before the Supreme Court of the United States, and argued by Mr. Webster for the chartered government of the State, and against the insurrectionary government, to which an abortive attempt had been made to give the form of a constitution, by a pretended act of the popular will. The true principles of popular and constitutional government are explored with unsurpassed sagacity in this argument.

A large portion of the causes argued by Mr. Webster belong to the province of constitutional law, and have their origin in that partition of powers which exists between the State governments and the government of the United States, each clothed with sovereignty in its appropriate sphere, each subject to limitations resulting from its relations to the other, each possessing its legislative bodies, its judicial tribunals, its executive authorities, and consequently armed with the means of asserting its rights, and both combined into one great political system. In such a system it cannot but happen that questions of conflicting jurisdiction should arise, and no small portion of Mr. Webster's forensic life was devoted to their investigation. It is unnecessary to state that they are questions of an elevated character. They often involve the validity of the legislative acts and judicial decisions of governments substantially independent, as they may in fact the constitutionality of the acts of Congress itself. No court in England will allow any thing, not even a treaty with a foreign government, or the most undoubted principles of the law of nations, to be pleaded against an act of Parliament. The Supreme Court of the United States entertains the question not only of the constitutionality of the acts of the legislatures of States possessing most of the attributes of sovereignty, but also of the constitutionality of the acts of the national legislature, which possesses those attributes of sovereignty which are denied to the States. These circumstances give great dignity to its deliberations, and tend materially to

elevate the character of a constitutional lawyer in the United States. Professional training in England has not been deemed the best school of statesmanship; but it will be readily perceived, that in this country a great class of questions, and those of the highest importance, belong alike to the senate and the court. Every one must feel that, in the case of Mr. Webster, the lawyer and the statesman have contributed materially to form each other.

Before quite quitting this subject, it may be proper to allude to Mr. Webster's professional labors of another class, in the ordinary State tribunals. Employed as counsel in all the most important cases during a long professional life, it is hardly necessary to say, that his investigations extended to every department of the law, and that his speeches to the jury and arguments to the court evinced a mastery of the learning and a control of the logic belonging to it, which are in most cases to be attained only by the exclusive study and practice of a life. The jurist and the advocate were so mingled in Mr. Webster's professional character that it is not easy to say which predominated. His fervid spirit and glowing imagination placed at his control all the resource of an overwhelming rhetoric, and made him all-powerful with a jury; while the ablest court was guided by his severe logic, and instructed by the choice which he laid before them of the most appropriate learning of the cases which he argued. It happens, unfortunately, that forensic efforts of this kind are rarely reported at length. A brief sketch of an important law argument finds a place in the history of the case,

but distinguished counsel rarely have time or bestow the labor required to reproduce in writing an elaborate address either to court or jury. There is probably no species of intellectual labor of the highest order which perishes for want of a contemporary record to the same extent as that which is daily exerted in the courts of law.

Two speeches addressed to the jury by Mr. Webster in criminal trials have remained famous. One was delivered in the case of Goodridge, and in defence of the persons whom he accused of having robbed him on the highway. This cause was tried in 1817, shortly after the establishment of Mr. Webster at Boston. Rarely has a case, in itself of no greater importance, produced a stronger impression of the ability of the counsel. The cross-examination of Goodridge, who pretended to have been robbed, and who had previously been considered a person of some degree of respectability, is still remembered at the bar of Massachusetts as terrific beyond example, and the speech to the jury in which his artfully contrived tale was stripped of its disguises may be studied as a model of this species of exposition.

Mr. Webster's speech to the jury in the memorable murder case of John F. Knapp is of a higher interest. The great importance of this case, as well on account of the legal principles involved, as of the depth of the tragedy in real life with which it was connected, gave it a painful celebrity. The record of the *causes célèbres* of no country or age will furnish either a more thrilling narrative, or a forensic effort

of greater ability. A passage on the power of conscience will arrest the attention of the reader. There is nothing in our language superior to it. It was unquestionably owing to the legal skill and moral courage with which the case was conducted by Mr. Webster, that one of the foulest crimes ever committed was brought to condign punishment; and the nicest refinements of the law of evidence were made the means of working out the most important practical results. But it is time to return to the chronological series of events.

CHAPTER IV

The Convention to revise the Constitution of Massachusetts.—Centennial Anniversary at Plymouth, December 22d, 1820.—Bunker Hill Monument.—Addresses.—Simultaneous Decease of Adams and Jefferson.—Eulogy by Mr. Webster.—Laying of the Corner-Stone of the New Wing of the Capitol.—Remarks on the Patriotic Discourses of Mr. Webster.

IN 1820, on the separation of Maine from Massachusetts, a convention became necessary in the latter State to readjust the Senate; and the occasion was deemed a favorable one for a general revision of the Constitution. The various towns in the Commonwealth were authorized by law to choose as many delegates as they were entitled to elect members to the House of Representatives; and a body was constituted containing much of the talent, political experience, and weight of character of the State. Mr. Webster was chosen one of the delegates from Boston; and, with the exception of a few days' service, two or three years afterward, in the Massachusetts House of Representatives,* this is the only oc-

* Mr. Webster makes the following playful allusion to this circumstance in a speech at a public dinner in Syracuse (New York):

"It has so happened that all the public services which I have rendered in the world, in my day and generation, have been connected with the General Government. I think I ought to make an exception. I was ten days a member of the Massachusetts legislature, and I turned my thoughts to the search for some

casion on which he ever filled any political office under the State government either of Massachusetts or New Hampshire.

The convention of 1820 was no doubt as respectable a political body as ever assembled in Massachusetts; and it is no more than justice to Mr. Webster to say, that although he had been but a few years a citizen of the Commonwealth, and was personally a stranger to most of his associates, he was among the most efficient members of the body. He was named chairman of the committee to whom the important subject of oaths and qualifications for office was referred, and of the special committee on that chapter of the constitution which relates to the "University of Cambridge." Besides taking a leading part in the discussion of most of the important subjects which were agitated in the convention, he was the authority most deferred to on questions of order, and in that way exercised a steady and powerful influence over the general course of its proceedings.

In the speech on the basis of the Senate, Mr. Webster defended the principle, which was incorporated into the original constitution, and is recognized by the liberal writers of greatest authority on government, that due regard should be had to property in establishing a basis of representation. He showed

good object in which I could be useful in that position; and, after much reflection, I introduced a bill which, with the general consent of both houses of the Massachusetts legislature, passed into a law, and is now a law of the State, which enacts that no man in the State shall catch trout in any other manner than in the old way, with an ordinary hook and line."

the connection between the security of republican liberty and this principle. He first called attention in this country to the fact, that this important principle was originally developed in Harrington's "Oceana," a work much studied by our Revolutionary fathers. The practical consequence which Mr. Webster deduced from the principle was, that constitutional and legal provision ought to be made to produce the utmost possible diffusion and equality of property.

While the Massachusetts convention was in session, Mr. Webster appeared before the public in another department of intellectual effort, and with the most distinguished success. In 1820, Mr. Webster was invited by the Pilgrim Society at Plymouth to deliver a discourse on the great anniversary of New England, the ever memorable 22d of December. Several circumstances contributed on this occasion to the interest of the day. The peaceful surrender by Massachusetts of a portion of her territory, greatly exceeding in magnitude that which she retained, in order to form the new State of Maine, was a pleasing exemplification of that prosperous multiplication of independent commonwealths within the limits of the Union, which forms one of the most distinctive features in our history. It was as much an alienation of territory from the local jurisdiction of Massachusetts, as if it had been ceded to Great Britain, and yet the alienation was cordially made. At this very time a controversy existed between the United States and England, relative to the conflicting title of the two govern-

ments to a very small portion, and that the least valuable part, of the same territory, which, after the aggravations and irritations of forty years of controversy, was in 1842 adjusted by Mr. Webster and Lord Ashburton, at a moment when war seemed all but inevitable. In any other country or age of the world, Maine could have been severed from Massachusetts only by a bloody revolution. Their amicable separation by mutual consent, although neither the first nor the second similar event in the United States, was still an occurrence which carried back the reflections of thoughtful men to the cradle of New England.

These reflections gathered interest from the convention then in session. Several of the topics which presented themselves to Mr. Webster's mind, and were discussed by him at Plymouth, had entered into the debates of the convention a few days before. Still more, the close of the second century from the landing of the Fathers, with all its mighty series of events in the social, political, and moral world, gave the highest interest to the occasion. Six New England generations were to pass in review. It was an anniversary which could be celebrated nowhere else as it could be at Plymouth. It was such an anniversary, with its store of traditions, comparisons, and anticipations, as none then living could witness again.

The discourse delivered by him in pursuance of their invitation was in some respects the most remarkable of his performances. The felicity and spirit with which its descriptive portions are exe-

cuted; the affecting tribute which it pays to the memory of the Pilgrims; the moving picture of their sufferings on both sides of the water; the masterly exposition and analysis of those institutions to which the prosperity of New England under Providence is owing; the eloquent inculcation of those great principles of republicanism on which our American commonwealths are founded; the instructive survey of the past, the sublime anticipations of the future of America,—have long since given this discourse a classical celebrity. Several of its soul-stirring passages have become as household words throughout the country. They are among the most favorite of the extracts contained in the school-books. An entire generation of young men have derived from this noble performance some of their first lessons in the true principles of American republicanism.

In the course of a few years, when the cornerstone of the Bunker Hill Monument was to be laid, on the fiftieth anniversary of the battle, the general expectation again pointed to Mr. Webster as the orator of the day. This, too, was a great national and patriotic anniversary. For the first time, and after the lapse of a half-century, the commencement of the war of the American Revolution was to be publicly celebrated under novel, significant, and highly affecting circumstances. Fifty years had extinguished all the unkindly associations of the day, and raised it from the narrow sphere of local history to a high place in the annals of the world. A great confederacy had sprung from the blood of Bunker Hill. This was too important an event in the history

of the world to be surrendered to hostile and party feeling. No friend of representative government in England had reason to deplore the foundation of the American republics. No one can doubt that the development of the representative principle in this country has contributed greatly to promote the cause of Parliamentary reform in Great Britain. Other considerations gave great interest to the festival of the 17th of June, 1825. Fifty years of national life, fortune, and experience, not exhibiting in their detail an unvarying series of prosperity (for it was fifty years in the history, not of angels, but of men), but assuredly not surpassed in the grand aggregate by any half-century in the annals of the world, were now brought to a close. Vast as the contrast was in the condition of the country at the beginning and close of the period, there were still living venerable men who had acted prominent and efficient parts in the opening scenes of the drama. Men who had shared the perils of 1775 shared the triumph of the jubilee. More than a hundred of the heroes of the battle were among the joyous participators in this great festival. Not the least affecting incident of the celebration was the presence of Lafayette, who had hastened from his more than royal progress through the Union to take a part in the ceremonial.

It is unnecessary to say, that on such an occasion, with all these circumstances addressed to the imaginations and the thoughts of men, in the presence of a vast multitude of the intelligent population of Massachusetts and the other New England States, with no inconsiderable attendance of kindred and

descendants from every part of the Union, an address from such an orator as Mr. Webster, on such a platform, on such a theme, in the flower of his age and the maturity of his faculties, discoursing upon an occasion of transcendent interest, and kindling with the enthusiasm of the day and the spot, may well be regarded as an intellectual treat of the highest order.

Scarcely inferior in interest was the anniversary celebration, when the Bunker Hill Monument was finally completed, in 1843, and Mr. Webster again consented to address the immense multitude which the ceremonial could not fail to bring together. The great work was now finished; and the most important event in the history of New England was henceforward commemorated by a monument destined, in all human probability, to last as long as any work erected by the hands of man. The thrill of admiration which ran through the assembled thousands, when, at the commencement of his discourse on that occasion, Mr. Webster apostrophized the monument itself as the mute orator of the day, has been spoken of by those who had the good fortune to be present as an emotion beyond the power of language to describe. The gesture, the look, the tone of the speaker, as he turned to the majestic shaft, seemed to invest it with a mysterious life; and men held their breath as if a solemn voice was about to come down from its towering summit.

On the 4th of July, 1826, occurred the extraordinary coincidence of the deaths of Adams and Jefferson, within a few hours of each other, on the

fiftieth anniversary of the Declaration of Independence; an event with which they were both so closely connected, as members of the committee by which the ever-memorable state paper was prepared and brought into the Continental Congress. The public mind was already predisposed for patriotic emotions and sentiments of every kind by many conspiring causes. The recency of the Revolutionary contest, sufficiently illustrated by the fact that many of those engaged in it were still alive and had been the subjects of liberal provision by Congress; the complete, though temporary, fusion of parties, producing for a few years a political lull, never witnessed to the same extent before or since; the close of the half-century from the commencement of the Revolutionary War, and the commemoration of its early conflicts on many of the spots where they occurred; the foundation of the Bunker Hill Monument, and of a similar work on a smaller scale at Concord; the visit of Lafayette; abroad, the varying scenes of the Greek revolution and the popular movement in many other parts of Europe,—united in exciting the public mind in this country. They kindled to new fervor the susceptible and impulsive American temperament. The simultaneous decease of the illustrious patriarchs of the Revolution, under these circumstances of coincidence, fell upon a community already prepared to be deeply affected. It touched a tender chord, which vibrated from one end of the Union to the other.

It has, perhaps, never been the fortune of an orator to treat a subject in all respects so extraordi-

nary as that which called forth the eulogy on Adams and Jefferson; a subject which the characters commemorated, the field of action, the magnitude of the events, and the peculiar personal relations, were so important and unusual. Certainly it is not extravagant to add, that no similar effort of oratory was ever more completely successful than Mr. Webster's address at the funeral services in Faneuil Hall. The speech ascribed to John Adams in the Continental Congress, on the subject of declaring the independence of the Colonies,—a speech of which the topics of course present themselves on the most superficial consideration what was actually said are supplied by the letters and diaries of Mr. Adams,—is not excelled by any thing of the kind in our language. Few things have taken so strong a hold of the public mind. It thrills and delights alike the student of history, who recognizes it at once as the creation of the orator, and the common reader, who takes it to be the composition, not of Mr. Webster, but of Mr. Adams. From the time the eulogy was delivered, the inquiry was often made and repeated, sometimes even in letters addressed to Mr. Webster himself, whether this exquisite appeal was his or Mr. Adams's.

These discourses, with the exception of the second Bunker Hill Address, were delivered within about five years of each other; the first on the 22d of December, 1820, the last on the 2d of August, 1826. In later years he again addressed his fellow-citizens on several occasions not immediately connected with senatorial or professional duty, and with the power

and felicity which mark his earlier efforts. The most remarkable of these recent addresses is his speech delivered at Washington on the 4th of July, 1851, at the ceremonial of the laying of the cornerstone of the addition to the Capitol. This ceremonial, itself of no ordinary interest, and the aspect of public affairs under which it was performed, gave a peculiar fervor and solemnity to Mr. Webster's treatment of the subject.

This great oration, perhaps not premeditated so carefully, as far as the mere language is concerned, as those of an earlier date with which we have classed it, is not inferior to either of them in the essentials of patriotic eloquence. It belongs, in common with them, to a species of oratory neither forensic nor parliamentary nor academical; and which might perhaps conveniently enough be described by the epithet which we have just applied to it,—the patriotic. These addresses are strongly discriminated from the forensic and the parliamentary class of speeches, in being from the nature of the case more elaborately prepared. The public taste in a highly cultivated community would not admit, in a performance of this kind, those marks of extemporaneous execution, which it not only tolerates, but admires, in the unpremeditated efforts of the senate and the bar. The latter shines to greatest advantage in happy impromptu strokes, whether of illustration or argument; the former admits, and therefore demands, the graceful finish of a mature preparation.

It is not, indeed, to be supposed, that an orator

like Mr. Webster is slavishly tied down, on any occasion, to his manuscript notes, or to a *memoriter* repetition of their contents. It may be presumed that in many cases the noblest and the boldest flights, the last and warmest tints thrown upon the canvas, in discourses of this kind, were the unpremeditated inspiration of the moment of delivery. The opposite view would be absurd, because it would imply that the mind, under the high excitement of delivery, was less fertile and creative than in the repose of the closet. A speaker could not, if he attempted it, anticipate in his study the earnestness and fervor of spirit induced by actual contact with the audience; he could not by any possibility forestall the sympathetic influence upon his imagination and intellect of the listening and applauding throng. However severe the method required by the nature of the occasion, or dictated by his own taste, a speaker like Mr. Webster will not often confine himself "to pouring out fervors a week old."

The orator who would do justice to a great theme or a great occasion must thoroughly study and understand the subject; he must accurately, and if possible minutely, digest in writing beforehand the substance, and even the form, of his address; otherwise, though he may speak ably, he will be apt not to make in all respects an able speech. He must entirely possess himself beforehand of the main things which he wishes to say, and then throw himself upon the excitement of the moment and the sympathy of the audience. In those portions of his discourse which are didactic or narrative, he will not be likely

to wander, in any direction, far from his notes; although even in those portions new facts, illustrations, and suggestions will be apt to spring up before him as he proceeds. But when the topic rises, when the mind kindles from within, and the strain becomes loftier, or bolder, or more pathetic, when the sacred fountain of tears is ready to overflow, and audience and speaker are moved by one kindred sympathetic passion, then the thick-coming fancies cannot be kept down, the storehouse of the memory is unlocked, images start up from the slumber of years, and all that the orator has seen, read, heard, or felt returns in distinct shape and vivid colors. The cold and premeditated text will no longer suffice for the glowing thought. The stately, balanced phrase gives place to some abrupt, graphic expression, that rushes unbidden to his lips. The unforeseen incident or locality furnishes an apt and speaking image; and the discourse instinctively transposes itself into a higher key.

Many illustrations of these remarks may be found in Mr. Webster's speeches. We may refer particularly to the address to the survivors of the Revolution and the apostrophe to Warren in the first discourse on Bunker Hill. These were topics too obvious and essential, in an address on laying the cornerstone of the monument, to have been omitted in the orator's notes prepared beforehand. But no one will think that the entire apostrophe to Warren, as it stands in the reported speech, was elaborated in the closet and committed to memory. After speaking of the hero he breaks into an impassioned address to

him, and passing, after a few intervening clauses, from the third person to the second, he exclaims, "How shall I struggle with the emotions that stifle the utterance of *thy* name! Our poor work may perish, but thine shall endure! This monument may moulder away; the solid ground it rests upon may sink down to a level with the sea; but thy memory shall not fail!"

CHAPTER V

Election to Congress from Boston.—The Eighteenth Congress.—Resolution and Speech in favor of the Greeks.—The Tariff Law of 1824.—Law for the Punishment of Crimes against the United States.—The Election of Mr. Adams as President.—Meeting of the Nineteenth Congress.—Congress of Panama.—Election as U. S. Senator.—Revision of the Tariff Law.

IN the autumn of 1822, Mr. Webster consented to be a candidate for Congress for the city (then town) of Boston, and was chosen by a very large majority over his opponent, Mr. Jesse Putnam. The former party distinctions, as has been already observed, had nearly lost their significance in Massachusetts, as in some other parts of the country. As a necessary, or at least a natural consequence of this state of things, four candidates had already been brought forward for the Presidential election of November, 1824; namely, Mr. John Quincy Adams of Massachusetts, Mr. Clay of Kentucky, General Jackson of Tennessee, and Mr. Crawford of Georgia. Mr. Calhoun of South Carolina and Mr. Lowndes of the same State had also both been nominated by their friends at an early period of the canvass, but the latter was soon removed by death, and Mr. Calhoun withdrew his pretensions in favor of General Jackson. All the candidates named had either originally belonged to the old Democratic

party (or Republican party as it was then more usually called), or had for many years attached themselves to it; but no one of them was supported on that ground.

The Congressional elections in Massachusetts are held a year in advance. It was not till December, 1823, that Mr. Webster took his seat as a member of the Eighteenth Congress. It has rarely happened to an individual, by engaging in public life, to make an equal sacrifice of personal interest. Born to an inheritance of poverty, struggling through youth and early manhood against all the difficulties of straitened means and a narrow sphere, he had risen above them all, and was now in an advantageous position, at the height of his reputation, receiving as great a professional income as any lawyer in the United States, and rapidly laying the foundation of an ample independence. All this was to be put at risk for the hazardous uncertainty, and the scarcely less hazardous certainties, of public life. It was not till after repeated refusals of a nomination to both houses of Congress, that Mr. Webster was at last called upon, in a manner which seemed to him imperative, to make the great sacrifice. In fact, it may truly be said, that, to an individual of his commanding talent and familiarity with political affairs, and consequent ability to take a lead in the public business, the question whether he shall do so is hardly submitted to his option. It is one of the great privileges of second-rate men, that they are permitted in some degree to follow the bent of their inclinations. It was the main inducement of Mr.

Webster in returning to political life, that the cessation of the coarse conflicts of party warfare seemed to hold out some hope that statesmanship of a higher order, an impartial study of the great interests of the country, and a policy aiming to promote the development of its vast natural resources, might be called into action.

Although the domestic politics of the United States were in a condition of repose, the politics of Europe at this time were disturbed and anxious. Revolutions had within a few years broken out in Naples, Piedmont, and Spain; while in Greece a highly interesting struggle was in progress, between the Christian population of that country and the government of their Ottoman oppressors. At an early period of this contest, it had attracted much notice in the United States. President Monroe, both in his annual message of December, 1822, and in that of 1823, had expressed respect and sympathy for their cause. The attention of Congress being thus called to the subject, Mr. Webster thought it a favorable opportunity to speak an emphatic word, from a quarter whence it would be respected, in favor of those principles of rational liberty and enlightened progress which were seeking to extend themselves in Europe. As the great strength of the Grecian patriots was to be derived, not from the aid of the governments of Christendom, but from the public opinion and the sympathy of the civilized world, he felt that they had a peculiar right to expect some demonstration of friendly feeling from the only powerful republican state. He was also evi-

dently willing to embrace the opportunity of entering an American protest against the doctrines which had been promulgated in the manifestoes of the recent congresses of the European sovereigns.

Till the administration of Mr. Jefferson, it had been the custom of the two houses to return answers to the annual messages of the President. These answers furnished Congress with the means of responding to the executive suggestions. As much time was often consumed in debating these answers (a consumption of time not directly leading to any legislative result), and as differences in opinion between Congress and the Executive, if they existed, were thus prematurely developed, it was thought a matter of convenience, when Mr. Jefferson came into power, to depart from the usage. But though attended with evils, it had its advantages. The opportunity of general political debate, under a government like ours, if not furnished, will be taken. The constituencies look to their representatives to discuss public questions. It will perhaps be found, on comparing the proceedings of Congress at the present day with what they were fifty years ago, that, although the general debate on the answer to the President's message has been retrenched, there is in the course of the session quite as much discussion of topics incidentally brought in, and often to the serious obstruction of the public business, at the advanced stages of the session.

Whatever may be thought of this as a general principle, President Monroe, as we have seen, having in two successive annual messages called the

attention of Congress to this subject, Mr. Webster, by way of response to these allusions, at an early period of the session offered the following resolution in the House of Representatives:—

“*Resolved*, That provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the President shall deem it expedient to make such appointment.”

His speech in support of this resolution was delivered on the 19th of January, 1824, in the presence of an immense audience. To a subject on which it was almost impossible to avoid a certain strain of classical sentiment, Mr. Webster brought a chastened taste and a severe logic. He indulged in no *ad captandum* reference to the topics which lay most obviously in his way. A single allusion to Greece, as the mistress of the world in letters and arts, found an appropriate place in the exordium. But he neither rhapsodized about the ancients, nor denounced the Turks, nor overflowed with Americanism. He treated, in a statesmanlike manner, what he justly called “the great political question of the age,” the question “between absolute and regulated governments,” and the duty of the United States on fitting occasions to let their voice be heard on this question. He concisely reviewed the doctrines of the Continental sovereigns, as set forth in what has been called “the Holy Alliance,” and in the manifestoes of several successive congresses. He pointed out the inconsistency of these principles with those of self-government and national independence, and

the duty of the United States to declare their sentiments in support of the latter. He showed that such a declaration was inconsistent with no principle of public law, and forbidden by no prudential consideration. He briefly sketched the history of the Greek revolution; and having shown that his proposal was a pacific measure, both as regards the Turkish government and the European allies, he took leave of the subject with a few manly words of sympathy for the Greeks.

He was supported by several leading members of the House,—by Mr. Clay, Mr. Stevenson of Virginia, afterward Speaker of the House and Minister of England, and by General Houston of Tennessee; but the subject lay too far beyond the ordinary range of legislation; it gained no strength from the calculations of any of the Presidential candidates; it enlisted none of the great local interests of the country; and it was not of a nature to be pushed against opposition or indifference. It was probably with little or no expectation of carrying it, that the resolution was moved by Mr. Webster. His object was gained in the opportunity of expressing himself upon the great political question of the day. His words of encouragement were soon read in every capital and at every court of Europe, and in every Continental language; they were received with grateful emotion in Greece.

It was during this session that Mr. Webster made his great argument in the Supreme Court of the United States in the case of Gibbons and Ogden, to which we have already alluded. It must increase

the admiration with which this great constitutional effort is read, to know that the case came on in court a week or ten days earlier than Mr. Webster expected, and that it was late in the afternoon, after a severe debate in the House of Representatives on some of the details of the tariff bill, that he received the intimation that he must be ready to go into court and argue the cause the next morning. At this time his brief was not drawn out; and the statement of the argument, the selecting of the authorities, and the final digest of his materials, whether of reasoning or fact, were to be the work of the few intervening hours. It is superfluous to say that there was no long space for rest or sleep; though it seems hardly credible that the only specific premeditation of such an argument before such a tribunal should have been in the stolen watches of one night.

In the course of this session Mr. Webster, besides taking a leading part in the discussion of the details of the tariff law of 1824, made a carefully prepared speech, in reply to Mr. Clay, on some of the principles upon which he had supported it. Mr. Webster did not contest the constitutional right of Congress to lay duties for the protection of manufactures. He opposed the bill on grounds of expediency, drawn from the condition of the country at the time, and from the unfriendly bearing of some of its provisions on the navigating interests.

No subject of great popular interest came up for debate in the second session of the Eighteenth Congress, but the attention of Mr. Webster, as chairman of the Judiciary Committee, was assiduously devoted

to a subject of great practical importance; brought forward entirely without ostentation or display, but inferior in interest to scarce any act of legislation since the first organization of government. We refer to the act of the 3d of March, 1825, "more effectually to provide for the punishment of certain crimes against the United States, and for other purposes." There was a class of cases, arising out of the complex nature of our system, and the two-fold jurisdiction existing in the United States, which, being entirely novel in the history of other governments, was scarcely to be provided for in advance. The analysis of the English constitution here failed the able men upon whom it devolved to put the new system of government in operation. It is to be wondered at, not that some things were overlooked, but that so many were provided for.

Of the cases left thus unprovided for, more perhaps were to be found in the judiciary department than in any other. Many crimes committed on ship-board, beyond the jurisdiction of any State, or in places within the Union excepted from State jurisdiction, were unprovided for. Mr. Webster accordingly drew up what finally passed the two houses, as the sixty-fifth chapter of the laws of the second session of the Eighteenth Congress, and procured the assent of the Committee on the Judiciary to report it to the House. Some amendments of no great moment were made to it on its passage, partly on the motion of Mr. Webster himself, and partly on the suggestion of other members of the House. As it finally passed, in twenty-six sections, it covered all

the cases which had occurred in the thirty-five years which had elapsed since the law of 1790 was enacted; and it amounted to a brief, but comprehensive, code of the criminal jurisprudence of the United States, as distinct from that of the separate States.

At this session of Congress the election of a President of the United States devolved upon the House of Representatives, in default of a popular choice. The votes of the electoral colleges were ninety-nine for General Jackson, eighty-four for Mr. Adams, forty-one for Mr. Crawford, and thirty-seven for Mr. Clay. This was the second time since the adoption of the Constitution, in 1789, and such an event had occurred. The other case was in 1801, and under the Constitution in its original form, which required the electoral colleges to vote for two persons, without designating which of the two was to be President, and which Vice-President, the choice between the two to be decided by plurality. The Republican candidates, Thomas Jefferson and Aaron Burr, having received each an equal number of votes, it devolved upon the House of Representatives to designate one of them as President. The Constitution was immediately amended so as to require the candidates for the two offices to be designated as such in the electoral colleges; so that precisely such a case as that of 1801 can never recur. In 1824, however, no person having received a majority of all the votes, it became necessary for the House to choose a President from among the three candidates having the highest number. On these occasions the House votes, not *per capita*, but by States. The re-

sult was declared to be, for Mr. Adams thirteen votes, for General Jackson seven, and for Mr. Crawford four.

Mr. Webster had been elected to the Nineteenth Congress in the autumn of 1824, by a vote of four thousand nine hundred and ninety out of five thousand votes cast, the nearest approach to unanimity in a Congressional election, perhaps, that ever took place. The session which began in December, 1825, was of course the first session under Mr. Adams's administration. The brief armistice in party warfare which existed under Mr. Monroe was over. The friends of General Jackson *en masse*, most of the friends of Mr. Crawford, and a portion of those of Mr. Clay, joined in a violent opposition to the new administration. It would be impossible in this place to unfold the griefs, the interests, the projects, the jealousies, and the mutual struggles, of the leaders and the factions, who, with no community of political principle, entered into this warfare. The absence of any well-defined division of parties, like that which had formerly existed, gave wide scope to personal intrigue and sectional preference. Although, estimated in reference to individual suffrages. Mr. Adams had received a popular majority; and although he was selected from the three highest candidates by an absolute majority of the States voting in the House of Representatives, and by a very large plurality over each of his competitors, yet, as General Jackson had received a small plurality of votes in the electoral colleges (but a little more, however, than a third part of the entire electoral vote),

he stood before the masses as a candidate wrongfully deprived of the place to which he was designated by the popular choice. Great sensibility was evinced at this defeat of the "Will of the People;" and none seemed to feel the wrong more than a portion of the friends of that one of the three candidates who had received the smallest vote, but whom there had been, nevertheless, a confident hope of electing in the House. The prejudice against Mr. Adams arising from this source derived strength from the widely circulated calumny of a corrupt understanding between him and Mr. Clay. The bare suspicion of an arrangement between party leaders to help each other into office, however groundless in point of fact, and however disproved by all the testimony which could be brought to bear on a negative proposition, was sufficient seriously to affect the popularity of both parties.

Mr. Adams's administration was conducted with the highest ability; it was incorruptible; it was frugal; it was tolerant of opponents to its own injury. With the exception of half a dozen editors of newspapers warmly opposed to the administration, from whom the trifling privilege of printing the laws was withdrawn, no one was removed from office for political opinion. But the administration was unpopular, and was doomed from its formation. It was supported by very able men in both houses of Congress, and of these Mr. Webster was by all acknowledgment the chief. But it failed to command the confidence of a numerical majority of the people.

The leading measure of the first session of the

Nineteenth Congress was the Congress of Panama. Mr. Adams had announced in his message at the commencement of the session, that an invitation to the congress had been accepted, and that "ministers on the part of the United States would be commissioned to attend its deliberations." The confirmation of the ministers was vigorously resisted in the Senate, and the resolution declaring the expediency of making the requisite appropriation as strenuously opposed in the House.

The subject was discussed with great ability in both houses. The greater portion of the senatorial debate was with closed doors. Mr. Webster's speech in the House is far the ablest of those published. It raised the question from the wretched level of party politics to the elevation of real statesmanship. It discussed the constitutional question with a clearness and power which make us wonder that it was ever raised; and it unfolded the true nature of the proposed congress, as viewed in the light of the public law. A very important topic of the speech was an explanation of the declaration of President Monroe, in his annual message of 1823, against the interposition of the governments of Europe for the purpose of enabling Spain to resubjugate her former colonial possessions on this continent. Mr. Webster pointed out the circumstances which warranted at the time the opinion that such interposition might be attempted; and he stated the important fact, not before known, that the purpose on the part of the United States to resist it was deliberately and unanimously formed by Mr. Monroe's cabinet, consisting

at that time of Messrs. Adams, Crawford, Calhoun, Southard, and Wirt.

The speech on the Panama question was the most considerable effort made by Mr. Webster in the Nineteenth Congress. In the interval of the two sessions, in November, 1826, he was reëlected with but a show of opposition. The eulogy upon Adams and Jefferson, of which we have already spoken, was delivered in the month of August of this year. In the month of June, 1827, Mr. Webster was elected to the Senate of the United States by a large majority of the votes of the two houses of the legislature of Massachusetts.

The principal measure which occupied the attention of the two houses during the first session of the Twentieth Congress was the revision of the tariff. This measure had its origin in the distressed condition of the woollen interests, which found itself deprived (partly by the effect of the repeal of the duty on wool imported into Great Britain) of that measure of protection which the tariff law of 1824 was designed to afford. An unsuccessful attempt had been made at the last session of Congress, to pass a law exclusively for the relief of the woollen manufacturers; but no law having in view the protection of any one great interest is likely to be enacted by Congress, however called for by the particular circumstances of the case. At the present session an entire revision of the tariff was attempted. A majority of the two houses was in favor of protection; but there were different views among the friends of the policy as to the articles to be protected and the

amount of protection. This diversity of opinions and supposed diversity of interests enabled those wholly opposed to the principle and policy of protection, by uniting their votes on questions of detail with members who represented local interests, to render the bill objectionable in many parts to several of its friends, and to reduce them to the alternative of either voting against it, or tolerating more or less which they deemed inexpedient, and even highly injurious. Hence it received the name of the "Bill of Abominations."

Mr. Webster addressed the Senate, while the bill was before that body, exposing the objectionable features to which we have alluded. Believing, however, that the great article of woollens required the protection given it by the bill, and regarding the general system of protection as the established policy of the country and of the government, and feeling that the capital which had been invited into manufactures by former acts of legislation was now entitled to be sustained against the glut of foreign markets, fraudulent invoices, and the competition of foreign labor working at starvation wages, he gave his vote for the bill, and ever afterward supported the policy of moderate protection. He has been accused of inconsistency in this respect; and by none more earnestly than by the friends of Mr. Calhoun, who was one of those influential statesmen of the South by whom, in the Fourteenth Congress, the foundation of a protective tariff was laid on the corner-stone of the square-yard duty on domestic cotton fabrics. But he was sustained by the great

majority of his constituents and of the people of the Northern, Middle, and Northwestern States; and should the prospects of success be fulfilled with which manufactures have been attempted at the South, there is little doubt that she will at length perceive that her own interest would be promoted by upholding the same policy.

When the speech of Mr. Webster of 1824, in which he assigned his reasons for voting against the tariff law of that year, is carefully compared with his speech of 1828, just referred to, it will be found that there is no other diversity than that which was induced by the change in the state of the country itself in reference to its manufacturing interests, and by the course pursued in reference to the details of the bill by those opposed to protection *in toto*.

CHAPTER VI

Election of General Jackson.—Debate on Foot's Resolution.—Mr. Hayne's First Speech.—Mr. Webster's First Speech.—Reply of Mr. Hayne.—Mr. Webster's Great Speech.—Description from March's "Reminiscences of Congress."—Reception throughout the Country.

IN the interval between the two sessions of the Twentieth Congress, the Presidential election was decided. Mr. Adams and General Jackson were the opposing candidates; and the latter was chosen by a large popular majority; but that there was no cordiality among the component elements of the party by which General Jackson was elevated to the chair was soon quite apparaent.

The first session of the Twenty-first Congress, that of 1829-30, is rendered memorable in the history of Mr. Webster, as well as in the parliamentary history of the country, by what has been called the debate on Foot's resolution, in which Mr. Webster delivered the speech which is usually regarded as his ablest, and which may probably with truth be pronounced the most celebrated speech ever delivered in Congress. The great importance of this effort will no doubt be considered as a sufficient reason for relating somewhat in detail the circumstances under which it was made.

The debate arose in the following manner.

On the 29th of December, 1829, Mr. Foot, one of the Senators from Connecticut, moved the following resolution:—

“*Resolved*, That the Committee on Public Lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the *minimum* price. And, also, whether the office of Surveyor-General, and some of the land offices, may not be abolished without detriment to the public interest.”

There is no reason to believe that, in bringing forward this resolution, Mr. Foot acted in concert with any other member of the Senate. When it came up for consideration the next day, the mover stated that he had been induced to offer the resolution from having at the last session examined the report of the Commissioner of the Land Office, from which it appeared that the quantity of land remaining unsold at the *minimum* price of one dollar and twenty-five cents per acre exceeded seventy-two millions of acres; while it appeared from the commissioner's report at this session, that the annual demand was not likely to exceed a million of acres at present, although of course it might be expected somewhat to increase with the growth of the population.

This resolution, though one of inquiry only, was resisted. It was represented by Mr. Benton of Missouri as a resolution to inquire into the expediency of committing a great injury upon the new States of the West. Mr. Holmes of Maine supported the resolution, as one of inquiry into an important sub-

ject. Mr. Foot disclaimed every purpose unfriendly to the West, and at the close of the conversation (in which Mr. Webster took no part), it was agreed that the consideration of the resolution should be postponed to the 11th of January, and made the special order of the day for that day.

When the resolution came up it was discussed by Mr. Benton of Missouri and Mr. Holmes of Maine. Other members took some part in the debate, and then Mr. Hayne of South Carolina commenced a speech, which occupied the rest of the day. Mr. Hayne was one of the younger members of the Senate. He came forward in his native State in 1814, when hardly of age, with great *éclat*, filled in rapid succession responsible offices, and came to the Senate of the United States in 1823, with a reputation already brilliant, and rapidly increasing. He was active and diligent in business, fluent, graceful, and persuasive as a debater; of a sanguine and self-relying temper; shrinking from no antagonist, and disposed to take the part of a champion.

Mr. Webster, up to this time, had not participated in the debate, which had in fact been rather a pointless affair, and was dragging its slow length through the Senate, no one knew exactly to what purpose. It had as yet assumed no character in which it invited or required his attention. He was much engaged at the time in the Supreme Court of the United States. Leaving the court-room when the court adjourned on Tuesday, the 19th, Mr. Webster came into the Senate in season to hear the greater part of Mr. Hayne's speech; and it was sug-

gested to him by several friends that an immediate answer to Mr. Hayne was due from him. The line of discussion pursued by the Senator from South Carolina was such as to require, if not to provoke, an immediate answer from the North. Mr. Webster accordingly rose when Mr. Hayne took his seat, but gave way to a motion for adjournment from Mr. Benton. These circumstances will sufficiently show how entirely without premeditation, and with what preoccupation by other trains of thought, Mr. Webster was led into this great intellectual conflict.

He appeared in the Senate the next morning, Wednesday, January 20th, and Mr. Foot's resolution being called up, was modified, on the suggestion of Messrs. Sprague of Maine and Woodbury of New Hampshire, by adding the following clause:—

“Or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands.”

Mr. Webster immediately proceeded with the debate. No elaborate preparation, of course, could have been made by him, as the speech of Mr. Hayne, to which his reply was mainly directed, was delivered the day before. He vindicated the government, under its successive administrations, from the general charge of having managed the public lands in a spirit of hostility to the Western States. He particularly defended New England against the accusation of hostility to the West. A passage in this part of his speech, contrasting Ohio as she was in 1794 with the Ohio of 1830, will compare advantageously with any thing in his speeches. In speaking of the settlement of the West, Mr. Webster in-

troduced with just commendation the honored name of Nathan Dane, as the author of the Ordinance of 1787, for the organization and government of the territory northwest of the Ohio. He maintained that every measure of legislation beneficial to the West had been carried in Congress by the aid of New England votes, and he closed by an allusion to his own course as uniformly friendly to that part of the Union. Mr. Benton followed Mr. Webster, and commenced a speech in reply.

The next day, Thursday, the 21st, the subject again came up, and it was now evident that the debate had put on a new character. Its real interest and importance were felt to be commencing. Mr. Chambers expressed the hope that the Senate would consent to postpone the further consideration of the resolution till the next Monday, as Mr. Webster, who had engaged in the discussion and wished to be present when it should be resumed, had pressing engagements out of the house, and could not conveniently give his attendance in the Senate before Monday. * Mr. Hayne said "he saw the gentleman from Massachusetts in his seat, and presumed he could make an arrangement which would enable him to be present here, during the discussion to-day. He was unwilling that this subject should be postponed before he had an opportunity of replying to some of the observations which had fallen from that gentleman yesterday. He would not deny that

* Mr. Chambers referred to the case in court just mentioned, in which Mr. Webster was engaged, and in which the argument had already begun.

some things had fallen from him which rankled * here (touching his breast), from which he would desire at once to relieve himself. The gentleman had discharged his fire in the presence of the Senate. He hoped he would now afford him an opportunity of returning the shot."

The manner in which this was said was not such as to soften the harshness of the sentiment. It will be difficult, in reverting to Mr. Webster's speech, to find either in its substance or spirit any adequate grounds for the feeling manifested by Mr. Hayne. Nor would it probably be easy in the history of Congress to find another case in which a similar act of accommodation in the way of postponing a subject has been refused, at least on such a ground. Mr. Webster, in reply to Mr. Hayne's remark, that he wished without delay to return his shot, said, "Let the discussion proceed; I am ready now to receive the gentleman's fire."

Mr. Benton then addressed the Senate for about an hour, in conclusion of the speech which he had commenced the day before. At the close of Mr. Benton's argument, Mr. Bell of New Hampshire moved that the further consideration of the subject should be postponed till Monday, but the motion was negatived. Mr. Hayne then took the floor, and spoke for about an hour in reply to Mr. Webster's remarks of the preceding day. Before he had concluded his argument, the Senate adjourned till Monday. On that day, January the 25th, he spoke for two hours and a half, and completed his speech. Mr.

* Mr. Hayne subsequently disclaimed having used this word.

Webster immediately rose to reply, but the day was far advanced, and he yielded to a motion for adjournment.

The second speech of Mr. Hayne, to which Mr. Webster was now called upon to reply, was still more strongly characterized than the first with severity, not to say bitterness, toward the Eastern States. The tone toward Mr. Webster personally was not courteous. It bordered on the offensive. It was difficult not to find in both of the speeches of the Senator from South Carolina the indication of a preconceived purpose to hold up New England, and Mr. Webster as her most distinguished representative, to public odium. In his second speech, Mr. Hayne reaffirmed and urged those constitutional opinions which are usually known as the doctrines of Nullification; that is to say, the assumed right of a State, when she deems herself oppressed by an unconstitutional act of Congress, to declare by State ordinance the act of Congress null and void, and discharge the citizens of the State from the duty of obedience.

Such being the character of Mr. Hayne's speech, Mr. Webster had three objects to accomplish in his answer. The first was to repel the personalities toward himself, which formed one of the most prominent features of Mr. Hayne's speech. This object was accomplished by a few retaliatory strokes, in which the severest sarcasm was so mingled with unaffected good humor and manly expostulation, as to carry captive the sympathy of the audience. The vindication of the Eastern States generally, and of

Massachusetts in particular, was the second object, and was pursued in a still higher strain. When it was finished, no one probably regretted more keenly than the accomplished antagonist the easy credence which he had lent to the purveyors of forgotten scandal, some of whom were present, and felt grateful for their obscurity.

The third and far the more important object with Mr. Webster was the constitutional argument, in which he asserted the character of our political system as a government established by the people of the United States, in contradistinction to a compact between the separate States; and exposed the fallacy of attempting to turn the natural right of revolution against the government into a right reserved under the Constitution to overturn the government itself.

Several chapters of the interesting work of Mr. March, already referred to,* are devoted to the subject of this debate; and we have thought that we could in no way convey to the reader so just and distinct an impression of the effect of Mr. Webster's speech at the time of its delivery, as by borrowing largely from his animated pages.

"It was on Tuesday, January the 26th, 1830,—a day to be hereafter for ever memorable in Senatorial annals,—that the Senate resumed the consideration of Foot's resolution. There never was before, in the city, an occasion of so much excitement. To witness this great intellectual contest, multitudes of strangers had for two or three days previous been rushing into the city, and the hotels overflowed. As early as 9 o'clock of this morning, crowds poured into the Capitol, in hot haste; at 12 o'clock, the hour of meeting, the Senate-chamber—its gal-

* Reminiscences of Congress.

leries, floor, and even lobbies—was filled to its utmost capacity. The very stairways were dark with men, who clung to one another, like bees in a swarm.

“The House of Representatives was early deserted. An adjournment would have hardly made it emptier. The Speaker, it is true, retained his chair, but no business of moment was, or could be, attended to. Members all rushed in to hear Mr. Webster, and no call of the House or other parliamentary proceedings could compel them back. The floor of the Senate was so densely crowded, that persons once in could not get out, nor change their position; in the rear of the Vice-Presidential chair, the crowd was particularly intense. Dixon H. Lewis, then a Representative from Alabama, became wedged in here. From his enormous size, it was impossible for him to move without displacing a vast portion of the multitude. Unfortunately, too, for him, he was jammed in directly behind the chair of the Vice-President, where he could not see, and hardly hear, the speaker. By slow and laborious effort, pausing occasionally to breathe, he gained one of the windows, which, constructed of painted glass, flank the chair of the Vice-President on either side. Here he paused, unable to make more headway. But determined to see Mr. Webster as he spoke, with his knife he made a large hole in one of the panes of the glass; which is still visible as he made it. Many were so placed as not to be able to see the speaker at all.

“The courtesy of Senators accorded to the fairer sex room on the floor,—the most gallant of them, their own seats. The gay bonnets and brilliant dresses threw a varied and picturesque beauty over the scene, softening and embellishing it.

“Seldom, if ever, has speaker in this or any other country had more powerful incentives to exertion; a subject, the determination of which involved the most important interests, and even duration, of the republic; competitors, unequalled in reputation, ability, or position; a name to make still more glorious, or lose for ever; and an audience, comprising not only persons of this country most eminent in intellectual greatness, but representatives of other nations, where the art of eloquence had flourished for ages. All the soldier seeks in opportunity was here.

“Mr. Webster perceived, and felt equal to, the destinies of the moment. The very greatness of the hazard exhilarated

him. His spirits rose with the occasion. He awaited the time of onset with a stern and impatient joy. He felt like the war-horse of the Scriptures, who 'paweth in the valley, and rejoiceth in his strength: who goeth on to meet the armed men,—who saith among the trumpets, Ha, ha! and who smelleth the battle afar off, the thunder of the captains and the shouting.'

"A confidence in his own resources, springing from no vain estimate of his power, but the legitimate offspring of previous severe mental discipline, sustained and excited him. He had gauged his opponents, his subject, and *himself*.

"He was, too, at this period, in the very prime of manhood. He had reached middle age,—an era in the life of man when the faculties, physical or intellectual, may be supposed to attain their fullest organization and most perfect development. Whatever there was in him of intellectual energy and vitality, the occasion, his full life, and high ambition might well bring forth.

"He never rose on an ordinary occasion to address an ordinary audience more self-possessed. There was no tremulousness in his voice or manner; nothing hurried, nothing simulated. The calmness of superior strength was visible everywhere; in countenance, voice, and bearing. A deep-seated conviction of the extraordinary character of the emergency, and of his ability to control it, seemed to possess him wholly. If an observer, more than ordinarily keen-sighted, detected at times something like exultation in his eye, he presumed it sprang from the excitement of the moment, and the anticipation of victory.

"The anxiety to hear the speech was so intense, irrepressible, and universal, that no sooner had the Vice-President assumed the chair than a motion was made, and unanimously carried, to postpone the ordinary preliminaries of Senatorial action, and to take up immediately the consideration of the resolution.

"Mr. Webster rose and addressed the Senate. His exordium is known by heart everywhere: 'Mr. President, when the mariner has been tossed, for many days, in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before

we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate.'

"There wanted no more to enchain the attention. There was a spontaneous, though silent, expression of eager approbation, as the orator concluded these opening remarks.

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"Those who had doubted Mr. Webster's ability to cope with and overcome his opponents were fully satisfied of their error before he had proceeded far in his speech. Their fears soon took another direction. When they heard his sentences of powerful thought, towering in accumulative grandeur, one above the other, as if the orator strove, Titan-like, to reach the very heavens themselves, they were giddy with an apprehension that he would break down in his flight. They dared not believe that genius, learning, and intellectual endowment however uncommon, that was simply mortal, could sustain itself long in a career seemingly so perilous. They feared an Icarian fall.

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"What New England heart was there but throbbed with vehement, tumultuous, irrepressible emotion, as he dwelt upon New England sufferings, New England struggles, and New England triumphs during the war of the Revolution? There was scarcely a dry eye in the Senate; all hearts were overcome; grave judges and men grown old in dignified life turned aside their heads, to conceal the evidences of their emotion.

"In one corner of the gallery was clustered a group of Massachusetts men. They had hung from the first moment upon the words of the speaker, with feelings variously but always warmly excited, deepening in intensity as he proceeded. At first, while the orator was going through his exordium, they held their breath and hid their faces, mindful of the savage attack upon him and New England, and the fearful odds against him, her champion;—as he went deeper into his speech, they felt easier; when he turned Hayne's flank on Banquo's ghost, they breathed freer and deeper. But now, as he alluded to Massachusetts, their feelings were strained to the

highest tension; and when the orator, concluding his encomium of the land of their birth, turned, intentionally or otherwise, his burning eye full upon them, *they shed tears like girls!*

"No one who was not present can understand the excitement of the scene. No one who was, can give an adequate description of it. No word-painting can convey the deep, intense enthusiasm, the reverential attention, of that vast assembly, nor limner transfer to canvas their earnest, eager, awe-struck countenances. Though language were as subtle and flexible as thought, it still would be impossible to represent the full idea of the scene. There is something intangible in an emotion, which cannot be transferred. The nicer shades of feeling elude pursuit. Every description, therefore, of the occasion, seems to the narrator himself most tame, spiritless, unjust.

"The exulting rush of feeling with which he went through the peroration threw a glow over his countenance, like inspiration. Eye, brow, each feature, every line of the face, seemed touched, as with a celestial fire.

"The swell and roll of his voice struck upon the ears of the spell-bound audience, in deep and melodious cadence, as waves upon the shore of the 'far-resounding' sea. The Miltonic grandeur of his words was the fit expression of his thought, and raised his hearers up to his theme. His voice, exerted to its utmost power, penetrated every recess or corner of the Senate,—penetrated even the ante-rooms and stairways, as he pronounced in deepest tones of pathos these words of solemn significance: 'When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as, 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and Union afterwards'; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under

the whole heavens, that other sentiment, dear to every American heart,—LIBERTY AND UNION, NOW AND FOR EVER, ONE AND INSEPARABLE!

After having spoken about three hours on the 26th of January, Mr. Webster gave way for an adjournment. He resumed and concluded the speech on the following day. During most of the time that he was speaking, Mr. Hayne occupied himself in taking notes, and rose to reply at the conclusion of Mr. Webster's argument. An adjournment was proposed by one of Mr. Hayne's friends, but he wisely determined to terminate all that he intended to say on the subject upon the spot. He accordingly addressed the Senate for about half an hour upon the constitutional question which formed the most important portion of Mr. Webster's speech. These remarks of Mr. Hayne were, in the newspaper report, expanded into an elaborate argument, which occupied nineteen pages in the register of Congressional debates. When Mr. Hayne sat down, Mr. Webster, in turn, rose to make a brief rejoinder. "The gentleman," said he, "has in vain attempted to reconstruct his shattered argument"; and this formidable exordium was followed up by a brief restatement of his own argument, which, for condensation, precision, and force, may be referred to as a specimen of parliamentary logic never surpassed. The art of reasoning on moral questions can go no further.

Thus terminated the day's great work. In the evening the Senatorial champions met at a friend's house, and exchanged those courteous salutations which mitigate the asperity of political collision, and

prevent the conflicts of party from embittering social life.

The sensation produced by the great debate on those who heard it was but the earnest of its effect on the country at large. The length of Mr. Webster's speech did not prevent its being copied into the leading newspapers throughout the country. It was the universal theme of conversation. Letters of acknowledgment and congratulation from the most distinguished individuals, from politicians retired from active life, from entire strangers, from persons not sympathizing with all Mr. Webster's views, from distant parts of the Union, were addressed to him by every mail. Immense editions of the speech in a pamphlet form were called for. It is no exaggeration to say, that throughout the country Mr. Webster's speech was regarded, not only as a brilliant and successful personal defence and a triumphant vindication of New England, but as a complete overthrow of the dangerous constitutional heresies which had menaced the stability of the Union.

In this light it was looked upon by a large number of the most distinguished citizens of New York, who took occasion to offer Mr. Webster the compliment of a public dinner the following winter. Circumstances delayed the execution of their purpose till some time had elapsed from the delivery of the speech, but the recollection of it was vivid, and it was referred to by Chancellor Kent, the president of the day, as the service especially demanding the grateful recognition of the country. After alluding to the debate on Foot's resolution and to the char-

acter of Mr. Webster's speech, the venerable Chancellor added:—

“The consequences of that discussion have been extremely beneficial. It turned the attention of the public to the great doctrines of national rights and national union. Constitutional law ceased to remain wrapped up in the breasts, and taught only by the responses, of the living oracles of the law. Socrates was said to have drawn down philosophy from the skies, and scattered it among the schools. It may with equal truth be said that constitutional law, by means of those senatorial discussions and the master genius that guided them, was rescued from the archives of our tribunals and the libraries of our lawyers, and placed under the eye and submitted to the judgment of the American people. *Their verdict is with us, and from it there lies no appeal.*” *

With respect to Mr. Foot's resolution it may be observed, that it continued before the Senate a long time, a standing subject of discussion. At length, on the 21st of May, a motion for indefinite postponement, submitted by Mr. Webster at the close of his first speech, prevailed, and thus the whole discussion ended.

* Chancellor Kent's remarks are given entire in the introduction to “Mr. Webster's Speech at the New York Dinner,” vol. i. p. 194.

CHAPTER VII

President Jackson's Administrations.—Speedy Discord among the Parties.—Mr. Webster's Relations to the Administration.—Veto of the Bank.—Rise and Progress of Nullification in South Carolina.—The Force Bill.—Mr. Madison's Letter on Secession.—Removal of the Deposits.—Mr. Van Buren's Election.—Financial Crisis and Extra Session of Congress.—Government Plan of Finance.—Mr. Webster's Visit to Europe and distinguished Reception.—Presidential Canvass of 1840.—Election of General Harrison.

It would require a volume of ample dimensions to relate the history of Mr. Webster's Senatorial career from this time till the accession of General Harrison to the Presidency, in 1841. In this interval the government was administered for two successive terms by General Jackson, and for a single term by Mr. Van Buren. It was a period filled with incidents of great importance in various departments of the government, often of a startling character at the time, and not less frequently exerting a permanent influence on the condition of the country. It may be stated as the general characteristic of the political tendencies of this period, that there was a decided weakening of respect for constitutional restraint. Vague ideas of executive discretion prevailed on the one hand in the interpretation of the Constitution, and of popular sovereignty on the other, as represented by a President elevated to office by overwhelming majorities of the people. The expulsion of the

Indian tribes from the Southern States, in violation of the faith of treaties and in open disregard of the opinion of the Supreme Court of the United States as to their obligation; the claim of a right on the part of a State to nullify an act of the General Government; the violation of the charter of the bank, and the Presidential veto of the act of Congress rechartering it; the deposit of the public money in the selected State banks with a view to its safekeeping and for the greater encouragement of trade by the loan of the public funds; the explosion of this system, and the adoption of one directly opposed to it, which rejected wholly the aid of the banks and denied the right of the government to employ the public funds for any but fiscal purposes; the executive menaces of war against France; the unsuccessful attempt of Mr. Van Buren's administration to carry on the government upon General Jackson's system; the panic of 1837, succeeded by the general uprising of the country and the universal demand for a change of men and measures,—these are the leading incidents in the chronicle of the period in question. On some of them Mr. Webster put forth all his power. The questions pertaining to the construction of the Constitution, to the bank, to the veto power, to the currency, to the constitutionality of the tariff, to the right of removal from office, and to the finances, were discussed in almost every conceivable form, and with every variety of argument and illustration.

It has already been observed that General Jackson was brought into power by a somewhat ill-compacted

alliance between his original friends and a portion of the friends of the other candidates of 1824. As far as Mr. Calhoun and his followers were concerned, the cordiality of the union was gone before the inauguration of the new President. There was not only on the list of the cabinet to be appointed no adequate representative of the Vice-President, but his rival candidate for the succession (Mr. Van Buren) was placed at the head of the administration. There is reason to suppose that General Jackson, who, though his policy tended greatly to impair the strength of the Union, was in feeling a warm Unionist, witnessed with no dissatisfaction the result of the great constitutional debate and its influence upon the country.

In the Twenty-second Congress (the second of General Jackson's administration) the bank question became prominent. General Jackson had in his first message called the attention of Congress to the subject of the bank. No doubt of its constitutionality was then intimated by him. In the course of a year or two an attempt was made, on the part of the Executive, to control the appointment of the officers of one of the Eastern branches. This attempt was resisted by the bank, and from that time forward a state of warfare, at first partially disguised, but finally open and flagrant, existed between the government and the directors of the institution. In the first session of the Twenty-second Congress (1831-32), a bill was introduced by Mr. Dallas, and passed the two houses, to renew the charter of the bank. This measure was supported by Mr. Webster, on the

ground of the importance of a national bank to the fiscal operations of the government, and to the currency, exchange, and general business of the country. No specific complaints of mismanagement had then been made, nor were any abuses alleged to exist. The bank was, almost without exception, popular at that time with the business interests of the country, and particularly at the South and West. Its credit in England was solid; its bills and drafts on London took the place of specie for remittances to India and China. Its convenience and usefulness were recognized in the report of the Secretary of the Treasury (Mr. Lane), at the same time that its constitutionality was questioned and its existence threatened by the President. So completely, however, was the policy of General Jackson's administration the impulse of his own feelings and individual impressions, and so imperfectly had these been disclosed on the present occasion, that the fate of the bill for rechartering the bank was a matter of uncertainty on the part both of adherents and opponents. Many persons on both sides of the two houses were taken by surprise by the veto.

But events of a different complexion soon occurred, and gave a new direction to the thoughts of men throughout the country. The opposition of South Carolina to the protective policy had been pushed to a point of excitement at which it was beyond the control of party leaders. Although, as we have seen, that policy had in 1816 been established by the aid of distinguished statesmen of South Carolina, who saw in the success of American cotton

manufactures a new market for the staple of the South, in which it would take the place of the cotton of India, the protective policy at a later period had come to be generally considered unconstitutional at the South. A change of opinion somewhat similar had taken place in New England, which had been originally opposed to this policy, as adverse to the commercial and navigating interests. Experience gradually showed that such was not the case. The enactment of the law of 1824 was considered as establishing the general principle of protection as the policy of the country. It was known to be the policy of the great central States. The capital of the North was to some extent forced into new channels. Some branches of manufactures flourished, as skill was acquired and improvements in machinery made. The coarse cotton fabrics which had enjoyed the protection of the *minimum* duty prospered, manufacturing villages grew up, the price of the fabric fell, and as competition increased the tariff did little more than protect the domestic manufacturer from fraudulent invoices and the fluctuation of foreign markets. Thus all parties were benefited, not excepting the South, which gained a new customer for her staple. These changes in the condition of things led Mr. Webster, as we have remarked in a former chapter, to modify his course on the tariff question.

Unfortunately, no manufactures had been established at the South. The vast quantities of new and fertile land opened in the west of Georgia, in Alabama, and Mississippi, injured the value of the old and partly exhausted lands of the Atlantic States.

Labor was drawn off to found plantations in the new States, and the injurious consequences were ascribed to the tariff. Considerations of a political nature had entirely changed the tolerant feeling which, up to a certain period, had been shown by one class of Southern politicians toward the protective policy. With the exception of Louisiana, and one or two votes in Virginia, the whole South was united against the tariff. South Carolina had suffered most by the inability of her worn lands to sustain the competition with the lands of the Yazoo and the Red River, and to her the most active opposition, under the lead of Mr. Calhoun, was confined. The modern doctrine of nullification was broached by her accomplished statesmen, and an unsuccessful attempt made to deduce it from the Virginia resolutions of 1798. Mr. Madison, in a letter addressed to the writer of these pages,* in August, 1830, firmly resisted this attempt; and, as a theory, the whole doctrine of nullification was overthrown by Mr. Webster, in his speech of the 26th of January, 1830. But public sentiment had gone too far in South Carolina to be checked; party leaders were too deeply committed to retreat; and at the close of 1832 the ordinance of nullification was adopted by a State convention.

This decisive act roused the hero of New Orleans from the vigilant repose with which he had watched the coming storm. Confidential orders to hold themselves in readiness for active service were sent in every direction to the officers of the army and the

* North American Review, vol. xxxi, p. 537.

navy. Prudent and resolute men were quietly stationed at the proper posts. Arms and munitions in abundance were held in readiness, and a chain of expresses in advance of the mail was established from the Capitol to Charleston. These preparations made, the Presidential proclamation of the 11th of December, 1832, was issued. It was written by Mr. Edward Livingston, then Secretary of State, from notes furnished by General Jackson himself; but there is not an idea of importance in it which may not be found in Mr. Webster's speech on Foot's resolution.

The proclamation of the President was met by the counter-proclamation of Governor Hayne; and the State of South Carolina proceeded to pass laws for carrying the ordinance of nullification into effect, and for putting the State into a condition to carry on war with the General Government. In this posture of affairs the President of the United States laid the matter before Congress, in his message of the 16th of January, 1833, and the bill "further to provide for the collection of duties on imports" was introduced into the Senate, in pursuance of his recommendations. Mr. Calhoun was at this time a member of that body, having been chosen to succeed Governor Hayne, and having of course resigned the office of Vice-President. Thus called, for the first time, to sustain in person before the Senate and the country the policy of nullification, which had been adopted by South Carolina mainly under his influence, and which was now threatening the Union, it hardly need be said that he exerted all his ability,

and put forth all his resources, in defence of the doctrine which had brought his State to the verge of revolution. It is but justice to add, that he met the occasion with equal courage and vigor. The bill "to make further provision for the collection of the revenue," or "Force Bill," as it was called, was reported by Mr. Wilkins from the Committee on the Judiciary on the 21st of January, and on the following day Mr. Calhoun moved a series of resolutions, affirming the right of a State to annul, as far as her citizens are concerned, any act of Congress which she may deem oppressive and unconstitutional. On the 15th and 16th of February, he spoke at length in opposition to the bill, and in development and support of his resolutions. On this occasion the doctrine of nullification was sustained by him with far greater ability than it had been by General Hayne, and in a speech which we believe is regarded as Mr. Calhoun's most powerful effort. In closing his speech, Mr. Calhoun challenged the opponents of his doctrines to disprove them, and warned them, in the concluding sentence, that the principles they might advance would be subjected to the revision of posterity.

Mr. Webster, before Mr. Calhoun had resumed his seat, or he had risen from his own, accepted the challenge, and commenced his reply. He began to speak as he was rising, and continued to address the Senate with great force and effect, for about two hours. The Senate then took a recess, and after it came together Mr. Webster spoke again, from five o'clock till eight in the evening. The speech was

more purely a constitutional argument than that of the 26th of January, 1830. It was mainly devoted to an examination of Mr. Calhoun's resolutions; to a review of the adoption and ratification of the Constitution of the United States, by way of elucidating the question whether the system provided by the Constitution is a government of the people or a compact between the States; and to a discussion of the constitutionality of the tariff. The Senate-chamber was thronged to its utmost capacity, both before and after the recess, although the streets of Washington, owing to the state of the weather at the time, were nearly impassable.

The opinion entertained of this speech by the individual who, of all the people of America, was the best qualified to estimate its value, may be seen from the following letter of Mr. Madison, which has never before been published:

"Montpellier, March 15th, 1833.

"MY DEAR SIR:—I return my thanks for the copy of your late very powerful speech in the Senate of the United States. It crushes 'nullification,' and must hasten an abandonment of 'secession.' But this dodges the blow, by confounding the claim to secede at will with the right of seceding from intolerable oppression. The former answers itself, being a violation without cause of a faith solemnly pledged. The latter is another name only for revolution, about which there is no theoretic controversy. Its double aspect, nevertheless, with the countenance received from certain quarters, is giving it a popular currency here, which may influence the approaching elections both for Congress and for the State legislature. It has gained some advantage also by mixing itself with the question, whether the Constitution of the United States was formed by the people or by the States, now under a theoretic discussion by animated partisans.

"It is fortunate when disputed theories can be decided by undisputed facts, and here the undisputed fact is, that the Constitution was made by the people, but as embodied into the several States who were parties to it, and therefore made by the States in their highest authoritative capacity. They might, by the same authority and by the same process, have converted the confederacy into a mere league or treaty, or continued it with enlarged or abridged powers; or have embodied the people of their respective States into one people, nation, or sovereignty; or, as they did, by a mixed form, make them one people, nation, or sovereignty for certain purposes, and not so for others.

"The Constitution of the United States, being established by a competent authority, by that of the sovereign people of the several States who were parties to it, it remains only to inquire what the Constitution is; and here it speaks for itself. It organizes a government into the usual legislative, executive, and judiciary departments; invests it with specified powers, leaving others to the parties to the Constitution. It makes the government like other governments to operate directly on the people; places at its command the needful physical means of executing its powers; and finally proclaims its supremacy, and that of the laws made in pursuance of it, over the constitutions and laws of the States, the powers of the government being exercised, as in other elective and responsible governments, under the control of its constituents, the people and the legislatures of the States, and subject to the revolutionary rights of the people, in extreme cases.

"Such is the Constitution of the United States *de jure* and *de facto*, and the name, whatever it be, that may be given to it can make it nothing more or less than what it is.

"Pardon this hasty effusion, which, whether precisely according or not with your ideas, presents, I am aware, none that will be new to you.

"With great esteem and cordial salutations,

"JAMES MADISON.

"MR. WEBSTER."

It may be observed, in reference to the closing remark in the above important letter, that the view which it presents of the nature of the government

established by the Constitution is precisely that taken by Mr. Webster in the various speeches in which the subject is discussed by him.

The President of the United States felt the importance of Mr. Webster's aid in the great constitutional struggle of the session. There were men of great ability enlisted in support of his administration, Messrs. Forsyth, Grundy, Dallas, Rives, and others, but no one competent to assume the post of antagonist to the great Southern leader. The general political position of Mr. Webster made it in no degree his duty to sustain the administration in any party measure, but the reverse. But his whole course as a public man, and all his principles, forbade him to act from party motives in a great crisis of the country's fortunes. The administration was now engaged in a fearful struggle for the preservation of the Union, and the integrity of the Constitution. The doctrines of the proclamation were the doctrines of his speech on Foot's resolution almost to the words. He would have been unjust to his most cherished principles and his views of public duty had he not come to the rescue, not of the administration, but of the country, in this hour of her peril. His aid was personally solicited in the great debate on the "Force Bill" by a member of the Cabinet, but it was not granted till the bill had undergone important amendments suggested by him, when it was given cordially, without stint and without condition.*

* It is not wholly unworthy of remark in this place, as illustrating the dependence on Mr. Webster's aid which was felt at the White House, that, on the day of his reply to Mr. Calhoun, the President's carriage was sent to Mr. Webster's lodg-

In the recess of Congress in the year 1833, Mr. Webster made a short journey to the Middle States and the West. He was everywhere the object of the most distinguished and respectful attentions. Public receptions took place at Buffalo and Pittsburg, where, under the auspices of committees of the highest respectability, he addressed immense assemblages convened without distinction of party. Invitations to similar meetings reached him from many quarters, which he was obliged by want of leisure to decline.

The friendly relations into which Mr. Webster had been drawn with the President, and the enthusiastic welcome given to the President on his tour to the East, in the summer of 1833, awakened jealousy in certain quarters. It was believed at the time, by well-informed persons, that among the motives which actuated some persons in General Jackson's confidence, in fanning his hostility to the Bank of the United States, was that of bringing forward a question of great interest both to the public and the President, on which he would be sure to encounter Mr. Webster's opposition.

Such a subject was the removal of the deposits of the public moneys from the Bank of the United States, a measure productive of more immediate distress to the community and a larger train of evil consequences than perhaps any similar measure in our political history. It was finally determined upon

ings, as was supposed with a message borne by the President's private secretary. Happening to be still at the door when Mr. Webster was about to go to the Capitol, it conveyed him to the Senate-chamber.

while the President was on his Northern tour, in the summer of 1833, receiving in every part of New England those warm demonstrations of respect which his patriotic course in the great nullification struggle had inspired. It is proper to state, that up to this period, in the judgment of more than one committee of Congress appointed to investigate its affairs, in the opinion of both houses of Congress, who in 1832 had passed a bill to renew the charter, and of the House of Representatives, which had resolved that the deposits were safe in its custody, the affairs of the bank had been conducted with prudence, integrity, and remarkable skill. It was not the least evil consequence of the warfare waged upon the bank, that it was finally drawn into a position (though not till its Congressional charter expired, and it accepted very unwisely a charter as a State institution) in which, in its desperate struggle to sustain itself, it finally forfeited the confidence of its friends and the public, and made a deplorable and shameful shipwreck at once of its interests and honor, involving hundreds, at home and abroad, in its own deserved ruin.

The second administration of General Jackson, which commenced in March, 1833, was principally employed in carrying on this war against the bank, and in the effort to build up the league of the associated banks into an efficient fiscal agent of the government. The dangerous crisis of affairs in South Carolina had, for the time, passed. The passage of the "Force Bill" had vindicated the authority of the Constitution as the supreme law of the land, and

had armed the President with the needed powers to maintain it. On the other hand, the Compromise Bill of Mr. Clay, providing for the gradual reduction of all duties to one uniform rate of twenty per cent., was accepted by Mr. Calhoun and his friends as a practical concession, and furnished them the opportunity of making what they deemed a not discreditable retreat from the attitude of military resistance in which they had placed the State. Regarding this bill in the light of a concession to unconstitutional menace, as tending to the eventual prostration of all the interests which had grown up under the system so long pursued by the government, Mr. Webster felt himself compelled to withhold from it his support. He rejoiced, however, in the concurrence of events which had averted the dread appeal to arms that seemed at one time unavoidable.

It would occupy an unreasonable space to dwell upon every public measure before Congress at this session; but there is one which cannot with propriety be passed over, as it drew forth from Mr. Webster an argument not inferior to his speech on the "Force Bill." A resolution, originally moved by Mr. Clay, expressing disapprobation of the removal of the deposits from the bank, was, after material amendments, adopted by the Senate. This resolution led to a formal protest from the President, communicated to the Senate on the 15th of April, 1834. Looking upon the resolution referred to as one of expediency, it is probable that Mr. Webster did not warmly favor, though, with Mr. Calhoun, he con-

curred in, its passage. The protest of the President, however, placed the subject on new ground. Mr. Webster considered it as an encroachment on the constitutional rights of the Senate, and as a denial to that body of the freedom of action which the executive claimed so earnestly for itself. He accordingly addressed the Senate on the 7th of May, in a speech of the highest ability, in which the doctrines of the protest were subjected to the severest scrutiny, and the constitutional rights and duties of the Senate asserted with a force and spirit worthy of the important position occupied by that body in the frame of the government. This speech will be ever memorable for that sublime passage on the extent of the power of England, which will be quoted with admiration wherever our language is spoken and while England retains her place in the family of nations.

At the same session of Congress, Mr. Webster spoke frequently on the presentation of memorials, which were poured in upon him from every part of the country, in reference to the existing distress. These speeches were of necessity made, in almost every case, with little or no preparation, but many of them contain expositions of the operation of the financial experiment instituted by General Jackson, which will retain a permanent value in our political history. Some of them are marked by bursts of the highest eloquence. The entire subject of the currency was also treated with great ability by Mr. Webster, in a report made at this session of Congress from the committee of the Senate on finance,

of which he was chairman. Few documents more skilfully digested or powerfully reasoned proceeded from his pen.

The same topics substantially occupied the attention of the Senate at the Twenty-fourth as at the Twenty-third Congress. The principal subjects discussed pertained to the currency. The specie circular and the distribution of the surplus revenue were among the prominent measures. A motion made in the Senate to expunge from its records the resolution of March, 1834, by which the Senate expressed its disapprobation of the removal of the deposits, drew forth from Mr. Webster, on behalf of himself and his colleague, a protest against that measure, of singular earnestness and power. Committed to writing, and read with unusual solemnity, it produced upon the Senate an effect which is still remembered and spoken of. Every word in it is weighed as in a balance.

The administration of General Jackson was drawing to a close; Mr. Van Buren had been chosen to succeed him in November, 1836. In the month of February following, upon an invitation from a large committee of merchants, professional men, and citizens generally of New York, given some months previous, Mr. Webster attended one of those great public meetings which he has been so often called to address. His speech on this occasion, delivered in Niblo's Saloon on the 15th of March, 1837, is one of the most important of his utterances of General Jackson's policy, and closed with a prediction of the impending catastrophe. After the adjournment of

Congress, Mr. Webster made a hasty tour to the West, in the course of which he addressed large public meetings at Wheeling in Virginia, at Madison in Indiana, and at other places. The coincidence of passing events with all his anticipations of the certain effects of the administration policy gave peculiar force to these addresses. It is to be regretted that these speeches appear from inadequate reports; of some of the speeches made by him on this tour, no notes were taken.

Such was the financial embarrassment induced by the explosion of the system of the late administration, that President Van Buren's first official act was a proclamation for an extra session of Congress, to be held in September, 1837. At this session the new government plan of finance, usually called "the Sub-treasury system," was brought forward. It was the opinion of Mr. Webster, that the rigid enforcement by the government of a system of specie payments in all its public receipts and expenditures was an actual impossibility, in the present state of things in this country and the other commercial countries of the civilized world. The attempt to reject altogether the aid of convertible paper, of bills of exchange, of drafts, and other substitutes for the use and transportation of the precious metals, must fail in practice in a commercial country, where the great mass of the business affairs of the community are transacted with their aid. If the attempt could be forced through, it would be like an attempt on the part of the government to make use of the ancient modes of travel and conveyance, while every citizen

in his private affairs enjoyed the benefit of steam navigation and railways. Mr. Webster accordingly opposed the sub-treasury project from its inception; and it failed to become a law at the extra session of Congress in 1837.

During the debate one of Mr. Calhoun's speeches called upon Mr. Webster for a rejoinder, which was made by him on the 12th of March. It is the most elaborate and effective of Mr. Webster's speeches on the subject of the currency. The constitutional right of the General Government to employ a convertible paper in its fiscal transactions, and to make use of banks in the custody and transmission of its funds, is argued in this speech with much ability, from the necessity of the case, from the contemporaneous expositions of the Constitution, from the practice of the government under every administration, from the expressed views and opinions of every President of the United States, including General Jackson, and from the often-declared opinions of all the leading statesmen of the country, not excepting Mr. Calhoun himself, whose course in this respect was reviewed by Mr. Webster somewhat at length, and in such a way as unavoidably to suggest the idea of inconsistency, although no such charge was made.

To some portions of this speech Mr. Calhoun replied a few weeks afterward, and sought to ward off the comments upon his own course in reference to this class of questions, by some severe strictures on that of Mr. Webster, which drew from that gentleman a prompt and spirited rejoinder.

This is the only occasion during the long political lives of these distinguished statesmen, begun nearly

at the same time, and continued through a Congressional career which brought them of necessity much in contact with each other, in which there was any approach to personality in their keen encounters. In fact, of all the highly eminent public men of the day, they are the individuals who have made the least use of the favorite weapon of ordinary politicians, personality toward opponents. On the decease of Mr. Calhoun at Washington, in the spring of 1850, their uninterrupted friendly relations were alluded to by Mr. Webster in cordial and affecting terms. He regarded Mr. Calhoun as decidedly the ablest of the public men to whom he had been opposed in the course of his political life.

These kindly feelings on Mr. Webster's part were fully reciprocated by Mr. Calhoun. He is known to have declared on his death-bed, that, of all the public men of the day, there was no one whose political course had been more strongly marked by a strict regard to truth and honor than Mr. Webster's.

In the spring of 1839, Mr. Webster crossed the Atlantic for the first time in his life, making a hasty tour through England, Scotland, and France. His attention was particularly drawn to the agriculture of England and Scotland; to the great subjects of currency and exchange; to the condition of the laboring classes; and to the practical effect on the politics of Europe of the system of the Continental alliance. No traveller from this country has probably ever been received with equal attention in the highest quarters in England. Courtesies usually paid only to ambassadors and foreign ministers were extended to him. His table was covered with invitations to

the seats of the nobility and gentry; and his company was eagerly sought at the public entertainments which took place while he was in the country. Among the distinguished individuals with whom he contracted intimate relations of friendship, the late Lord Ashburton may be particularly mentioned. A mutual regard of more than usual warmth arose between them. This circumstance was well understood in the higher circles of English society, and when, two years later, a change of administration in both countries brought the parties to which they were respectively attached into power, the friendly relations well known to exist between them were no doubt among the motives which led to the appointment of Lord Ashburton as special minister to the United States.

Toward that great political change which was consummated in 1840, by which General Harrison was raised to the Presidency, no individual probably in the country had contributed more largely than Mr. Webster; and this by powerful appeals to the reason of the people. His speeches had been for years a public armory, from which weapons both of attack and defence were furnished to his political friends throughout the Union. The financial policy of the two preceding administrations was the chief cause of the general discontent which prevailed; and it is doing no injustice to the other eminent leaders of opposition in the several States to say, that by none of them had the vices of this system from the first been so laboriously and effectively exposed as by Mr. Webster,

CHAPTER VIII

Critical State of Foreign Affairs.—Mr. Webster appointed to the State Department.—Death of President Harrison.—Embarrassed Relations with England.—The Northeastern Boundary.—Other Subjects of Negotiation.—Extradition.—Suppression of the Slave-Trade.—Affair of the Caroline.—Impressment, etc.—China.—The Sandwich Islands.—Mexico.—Mr. Webster's Services as Secretary of State.

THE condition of affairs in the United States, on the accession of President Harrison to office, in the spring of 1841, was difficult and critical, especially as far as the foreign relations of the country were concerned. Ancient and modern controversies existed with England, which seemed to defy adjustment. The great question of the northwestern boundary had been the subject of negotiation almost ever since the peace of 1783. Every effort to settle it had but increased the difficulties with which it was beset, by exhausting the expedients of diplomacy. The Oregon question was rapidly assuming a formidable aspect, as emigrants began to move into the country in dispute. Not less serious was the state of affairs on the southwestern frontier, where, although a collision with Mexico might not in itself be an event to be viewed with great anxiety, it was probable, as things then stood, that it would have brought a war with Great Britain in its train.

Such was the state of things when General Harrison acceded to the Presidency, after perhaps the most strenuously contested election ever known, and by a larger popular vote than had ever before been given in the United States. As soon as the result was known, the President elect addressed a letter to Mr. Webster, offering him any place he might choose in his Cabinet, and asking his advice as to the other members of which it should be composed. Averse to the daily drudgery of the Treasury, Mr. Webster gave his preference to the Department of State, without concealing from himself that it might be the post of greater care and responsibility.

But the death of the new President, when just entering upon the discharge of his duties, changed the state of affairs in this respect. The great national party which had called him to the helm was struck with astonishment. No rallying-point presented itself. A position of things existed, not overlooked, indeed, by the sagacious men who framed the Constitution, but which, from its very nature, can never enter practically into the calculations of the enthusiastic multitudes by which, in times of difficulty and excitement, a favorite candidate is borne to the chair. How much of the control which it would otherwise have possessed over public opinion could be retained by an administration thus unexpectedly deprived of its head, was a question which time alone could settle. Happily, as far as our foreign relations were concerned, a character had been assumed by the administration, from the very formation of General Harrison's Cabinet, which was

steadily maintained, till the adjustment of the most difficult points in controversy was effected by the treaty of Washington. President Harrison, as is well known, lived but one month after his inauguration, but all the members of his Cabinet remained in office under Mr. Tyler, who succeeded to the Presidency. With him, of course, rested the general authority of regulating and directing the negotiations with foreign powers, in which the government might be engaged. But the active management of these negotiations was in the hands of the Secretary of State, and it is believed that no difference of views in regard to important matters arose between him and Mr. Tyler. For the result of the principal negotiation, Mr. Tyler manifested great anxiety; and Mr. Webster has not failed, in public or private, to bear witness to the intelligent and earnest attention which was bestowed by him on the proceedings, through all their stages, and to express his sense of the confidence reposed in himself by the head of the administration, from the beginning to the end of the transactions.

If the position of things was difficult here, it was not less so on the other side of the Atlantic; indeed, many of the causes of embarrassment were common to the two countries. There, as here, the correspondence, whether conducted at Washington or London, had of late years done nothing toward an amicable settlement of the great questions at issue. It had degenerated into an exercise of diplomatic logic, with the effect, in England as well as in America, of strengthening each party in the belief of its

own rights, and of working up the public mind to a reluctant feeling that the time was at hand when those rights must be maintained by force.

While this was the state of affairs with reference to the immediate relations of the two countries, Lord Palmerston was urging France into a coöperation with the four other leading powers of Europe in the adoption of a policy, by the negotiation of the quintuple treaty, which would have left the United States in a position of dangerous insulation on the subject of the great maritime question of the day.

At this juncture, a change of administration occurred in England, subsequent but by a few months to that which had taken place in the government of the United States. Lord Melbourne's government gave way to that of Sir Robert Peel in the summer of 1841; it remained to be seen with what influence on the relations of the two countries.

From his first entrance on office as Secretary of State, Mr. Webster, long familiar with the perplexed history of the negotiation relative to the boundary between Canada and the United States, had perceived the necessity of taking a "new departure."

Early in the summer of 1841, Mr. Webster had intimated to Mr. Fox, the British Minister at Washington, that the American government was prepared to consider, and, if practicable, adopt, a conventional line, as the only mode of cutting the Gordian knot of the controversy. This overture was, of course, conveyed to London. Though not leading to any result on the part of the ministry just going

out of office, it was embraced by their successors in the same wise and conciliatory spirit in which it had been made. On the 26th of December, 1841, a note was addressed by Lord Aberdeen to Mr. Everett, inviting him to an interview on the following day, when he communicated the purpose of the British government to send a special mission to the United States, Lord Ashburton being the person selected as minister, and furnished with full powers to settle every question in controversy.

This step on the part of the British government was as bold as it was wise. It met the difficulty in the face. It justly assumed the existence of a corresponding spirit of conciliation on the part of the United States, and of a desire to bring matters to a practical result. It was bold, because it was the last expedient for an amicable adjustment, and because its failure must necessarily lead to very serious and immediate consequences.

In his choice of a minister, Lord Aberdeen was not less fortunate than he had been wise in proposing the measure. Lord Ashburton was above the reach of the motives which influence politicians of an ordinary stamp, and unencumbered by the habits of routine which belong to men regularly trained in a career. He possessed a weight of character at home which made him independent of the vulgar resorts of popularity. He was animated by a kindly feeling, and bound by kindly associations to this country. There was certainly no public man in England who united in an equal degree the confidence of his own government and country with those

claims to the good-will of the opposite party, which were scarcely less essential to success. The relations of personal friendship contracted by Mr. Webster with Lord Ashburton in 1839 have already been alluded to, as influencing the selection. They decided Lord Ashburton in accepting the appointment. The writer was informed by Lord Ashburton himself, that he should have despaired of bringing matters to a settlement advantageous to both countries, but for his reliance on the upright and honorable character of the American Secretary.

With the appointment of Lord Ashburton, the discussion of the main questions in controversy between the two countries, as far as it had been carried on in London, was transferred to Washington. But as an earnest of the conciliatory spirit which bore sway in the British counsels, Lord Aberdeen had announced to Mr. Everett, in the interval which elapsed between Lord Ashburton's appointment and his arrival at his place of destination, that the Queen's government admitted the wrong done by the detention of the *Tigris* and *Seamew* in the African waters, and was prepared to indemnify their owners for the losses sustained.

The first step taken by Mr. Webster, after receiving the directions of the President in reference to the negotiation, was to invite the coöperation of Massachusetts and Maine, the territory in dispute being the property of the two States, and under the jurisdiction of the latter. The extent of the treaty-making power of the United States, in a matter of such delicacy as the cession of territory claimed by

a State to be within its limits, belongs to the more difficult class of constitutional doctrines.

Massachusetts had anticipated the necessity of the measure, and made provision for the appointment of commissioners. The legislature of Maine was promptly convened for the same purpose by the late Governor Fairfield. Four parties were thus in presence at Washington for the management of the negotiation: the United States and Great Britain, Massachusetts and Maine. Recollecting that the question to be settled was one which had defied all the arts of diplomacy for half a century, it seemed to a distant, and especially a European observer, as if the last experiment, exceeding every former step in its necessary complication, was destined to a failure proportionately signal and ignominious. The course pursued by the American Secretary, in making the result of the negotiation relative to the boundary contingent upon the approval of the State commissioners, was regarded in Europe as decidedly ominous of its failure.

It undoubtedly required a high degree of political courage thus to put the absolute control of the subject, to a certain extent, out of the hands of the National Government; but it was a courage fully warranted by the event. It is now evident that this mode of procedure was the only one which could have been adopted with any hope of success. Though complicated in appearance, it was in reality the simplest mode in which the coöperation of the States could have been secured.

The fate of the negotiation might be considered

as involved in the success of this appeal to the Chief Magistrate of Maine, and through him to his constituents. It is said that, when Mr. Webster heard that the legislature of Maine had adopted the resolutions for the commission, he went to President Tyler and said, with evident satisfaction and some animation. "*The crisis is past!*"

It was, in truth, an adjustment equally honorable and advantageous to all parties. There is not an individual of common sense or common conscience in Maine or Massachusetts, in the United States or Great Britain, who would now wish it disturbed. It took from Maine a tract of land northwest of the St. John, which the people of Maine believed to belong to them under the treaty of 1783. But the disputed title to the worthless tract of morass, heath, and rock, covered with snow or fog throughout a great part of the year, was not ceded gratuitously. We obtained the navigation of the St. John, the natural outlet of the whole country, without which the territory watered by it would have been of comparatively little value; we obtained a good natural boundary as far as the course of the river was followed; and we established the line which we claimed at the head of the Connecticut, on Lake Champlain, and on the upper lakes; territorial objects of considerable interest. Great Britain had equal reason to be satisfied with the result. For her the territory northwest of the St. John, worthless to us, had a geographical and political value; it gave her a convenient connection between her provinces, which was all she desired. Both sides gained the only ob-

ject which really was of importance to either, a settlement by creditable means of a wearisome national controversy; an honorable escape from the scourge and curse of war.

Besides the convenience of such an understanding on the part of the two great commercial countries, from which language, personal appearance, and manners render mutual escape so easy, the condition of the frontier of the United States and Canada was such as to make this provision all but necessary for the preservation of the peace of the two countries

Another difficult question settled in this adjustment was that of the extradition of fugitives from justice, and the stipulations for extradition in the treaty of Washington appear to have served as a model for those since entered into between the most considerable European powers. A convention for the same purpose was concluded between England and France on the 13th of February, 1843, and other similar compacts have still more recently been negotiated. Between the United States and Great Britain the operation of this part of the treaty has been, in all ordinary cases, entirely satisfactory. Persons charged with the crimes to which its provisions extend have been mutually surrendered; and the cause of public justice, and in many cases important private interests, have been materially served on both sides of the water.

Not inferior in importance and delicacy to the other subjects provided for by the treaty was that which concerned the measures for the suppression of "the slave-trade" on the coast of Africa. In

order to understand the difficulties with which Mr. Webster had to contend on this subject, a brief history of the question must be given. The law of nations, as understood and expounded by the most respectable authorities and tribunals, European and American, recognizes the right of search of neutral vessels in time of war, by the public ships of the belligerents. It recognizes no right of search in time of peace. It makes no distinction between a right of visitation and a right of search. To compel a trading-vessel, against the will of her commander, to come to and be boarded, for any purpose whatsoever, is an exercise of the right of search which the law of nations concedes to belligerents for certain purposes. To do this in time of peace, under whatever name it may be excused or justified, is to perform an act of mere power, for which the law of nations affords no warrant. The moral quality of the action, and the estimate formed of it, will of course depend upon circumstances, motives, and manner. If an armed ship board a vessel under reasonable suspicion that she is a pirate and when there is no other convenient mode of ascertaining that point, there would be no cause of blame, although the suspicion turned out to be groundless.

The British government, for the praiseworthy purpose of putting a stop to the traffic in slaves, has at different times entered into conventions with several of the states of Europe authorizing a mutual right of search of the trading-vessels of each contracting party by the armed cruisers of the other party. These treaties give no right to search the

vessels of nations not parties to them. But if an armed ship of either party should search a vessel of a third power under a reasonable suspicion that she belonged to the other contracting party, and was pursuing the slave-trade in contravention of the treaty, this act of power, performed by mistake, and with requisite moderation and circumspection in the manner, would not be just ground of offence. It would, however, authorize a reasonable expectation of indemnification on behalf of the private individuals who might suffer by the detention, as in other cases of injury inflicted on innocent persons by public functionaries acting with good intentions, but at their peril.

The government of the United States, both in its executive and legislative branches, has at almost all times manifested an extreme repugnance to enter into conventions for a mutual right of search. It has not yielded to any other power in its aversion to the slave-trade, which it was the first government to denounce as piracy. The reluctance in question grew principally out of the injuries inflicted upon the American commerce, and still more out of the personal outrages in the impressment of American seamen, which took place during the wars of Napoleon, and incidentally to the belligerent right of search and the enforcement of the Orders in Council and the Berlin and Milan Decrees. Besides a wholesale confiscation of American property, hundreds of American seamen were impressed into the ships of war of Great Britain. So deeply had the public sensibility been wounded on both points, that any

extension of the right of search by the consent of the United States was for a long time nearly hopeless.

But this feeling, strong and general as it was, yielded at last to the detestation of the slave-trade. Toward the close of the second administration of Mr. Monroe the Executive had been induced, acting under the sanction of resolutions of the two houses of Congress, to agree to a convention with Great Britain for a mutual right of search of vessels suspected of being engaged in the traffic.

In defining the limits within which this right should be exercised, the coasts of America were included. The Senate were of opinion that such a provision might be regarded as an admission that the slave-trade was carried on between the coasts of Africa and the United States, contrary to the known fact, and to the reproach either of the will or power of the United States to enforce their laws, by which it was declared to be piracy. It also placed the whole coast of the Union under the *surveillance* of the cruisers of a foreign power. The Senate, accordingly, ratified the treaty, with an amendment exempting the coasts of the United States from the operation of the article. They also introduced other amendments of less importance.

On the return of the treaty to London thus amended, Mr. Canning, the British Foreign Secretary, gave way to a feeling of dissatisfaction at the course pursued by the Senate, not so much on account of any decided objection to the amendment in itself considered, as to the claim of the Senate to introduce any change into a treaty negotiated according to in-

structions. Under the influence of this feeling, Mr. Canning refused to ratify the treaty as amended, and no further attempt was at that time made to renew the negotiation.

After the treaty with Portugal, in 1838, the vessels of that country, which, with those of Spain, were most largely engaged in the traffic, began to assume the flag of the United States as a protection; and in many cases, also, although the property of vessels and cargo had, by collusive transfers on the African coast, become Spanish or Portuguese, the vessels had been built and fitted out in the United States, and too often, it may be feared, with American capital. Vessels of this description were provided with two sets of papers, to be used as occasion might require.

Had nothing further been done by British cruisers than to board and search these vessels, whether before or after a transfer of this kind, no complaint would probably have been made by the government of the United States. But, as many American vessels were engaged in lawful commerce on the coast of Africa, it frequently happened that they were boarded by British cruisers, not always under the command of discreet officers. Some voyages were broken up, officers and men occasionally ill-treated, and vessels sent to the United States or Sierra Leone for adjudication.

In 1840 an agreement was made between the officers in command of the British and American squadrons respectively, sanctioning a reciprocal right of search on the coast of Africa. It was a well-meant,

but unauthorized step, and was promptly disavowed by the administration of Mr. Van Buren. Its operation, while it lasted, was but to increase the existing difficulty. Reports of the interruptions experienced by our commerce in the African waters began greatly to multiply; and there was a strong interest on the part of those surreptitiously engaged in the traffic to give them currency. A deep feeling began to be manifested in the country; and the correspondence between the American Minister in London and Lord Palmerston, in the last days of the Melbourne ministry, was such as to show that the controversy had reached a critical point. Such was the state of the question when Mr. Webster entered the Department of State.

The controversy was transmitted, as we have seen, to the new administrations on both sides of the water, but soon assumed a somewhat modified character. The quintuple treaty, as it was called, was concluded at London, on the 20th of December, 1841, by England, France, Austria, Prussia, and Russia; and information of that fact, as we have seen above, was given by Lord Aberdeen to Mr. Everett the same day. A strong desire was intimated that the United States would join this association of the great powers, but no formal invitation for that purpose was addressed to them. But the recent occurrences on the coast of Africa, and the tone of the correspondence above alluded to, had increased the standing repugnance of the United States to the recognition of a right of search in time of peace.

The preceding sketch of the history of the question will show the difficulty of the position in reference to this most important interest, at the time Lord Ashburton's mission was instituted. With what practical good sense and high statesmanship the controversy was terminated is well known to the country.

The wisdom with which the eighth article of the treaty was drawn up was soon seen in its consequences. Its effect was decisive. It put a stop to all discontent at home in reference to the interruption of our lawful commerce on the coast of Africa.

The three subjects on which we have dwelt, namely, the northeastern boundary, the extradition of fugitives, and the suppression of the slave-trade, were the only ones which required to be provided for by treaty stipulation. Other subjects, scarcely less important and fully as difficult, were happily disposed of in the correspondence of the plenipotentiaries.

Some disappointment was probably felt, when the treaty of Washington was published, that a settlement of the Oregon question was not included among its provisions. It need not be said that a subject of such magnitude did not escape the attention of the negotiators. It was, however, speedily inferred by Mr. Webster, from the purport of his formal conferences with Lord Ashburton on this point, that an arrangement of this question was not then practicable, and that to attempt it would be to put the entire negotiation to great risk of failure. On the other hand, it was not less certain that, by

closing up the other matters in controversy, the best preparation was made for bringing the Oregon dispute to an amicable issue, whenever circumstances should favor that undertaking. Considerable firmness was no doubt required to act upon this policy, and to forego the attempt, at least, to settle a question rapidly growing into the most formidable magnitude. It is unnecessary to say how completely the course adopted has been justified by the event.

We have in the preceding remarks confined ourselves to the topics connected with the treaty of Washington. But other subjects of great importance connected with the foreign affairs of the country engaged the attention of Mr. Webster as Secretary of State.

The first of these pertained to our controversies with Mexico, and was treated in a letter to M. de Bocanegra, the Mexican Secretary of State and Foreign Relations. Under the head of "Relations with Spain" there was a correspondence of great interest between the Chevalier d'Argaiz, the representative of that government, and Mr. Webster, on the subject of the "Amistad." The pertinacity with which this matter was pursued by Spain, after its adjudication by the Supreme Court of the United States, furnishes an instructive commentary upon the sincerity of that government in its measures for the abolition of the slave-trade.

Of still greater interest are the institution of the mission to China, and the steps which led to the establishment of the independence of the Sandwich

Islands. At any period less crowded with important events the opening of diplomatic relations with China, and the conclusion of a treaty of commerce with that power, would have been deemed occurrences of unusual importance. It certainly reflects great credit on the administration, that it acted with such promptitude and efficiency in seizing this opportunity of multiplying avenues of commercial intercourse. Nor is less praise due to the energy and skill of the negotiator, Mr. Cushing, to whom this novel and important undertaking was confided, under instruction from Mr. Webster, and who was able to embark from China, on his return homeward, in six months after his arrival, having in the mean time satisfactorily concluded the treaty.

The application of the representatives of the Sandwich Islands to the government of the United States, and the countenance extended to them at Washington, exercised a most salutary and seasonable influence over the destiny of those islands. The British government was promptly made aware of the course pursued by the United States, and was no doubt led, in a considerable degree, by this circumstance, to promise the Hawaiian delegates, on the part of England, to respect the independent neutrality of their government. In the mean time the British admiral on that station had taken provisional possession of them on behalf of his government, in anticipation of a similar movement which was expected on the part of France. If intelligence of this occurrence had been received in London before the promise above alluded to was given by Lord Aberdeen to Messrs.

Richards and Haalilio, it is not impossible that Great Britain might have felt herself warranted in retaining the protectorate of the Hawaiian Islands as an offset for the occupation of Tahiti by the French. As it was, the temporary arrangement of the British admiral was disavowed, and the government restored to the native chief.

There was also a correspondence between Mr. Webster and the Portuguese Minister, on the subject of duties on Portuguese wines, and a report of great importance on the Sound duties and the Zoll-Verein, topics to which the recent changes in the Germanic system will henceforward impart a greatly increased importance.

This brief enumeration will of itself sufficiently show the extensive range of the subjects to which the attention of Mr. Webster was called, during the two years for which he filled the Department of State.

The published correspondence probably forms but a small portion of the official labors of the Department of State for the period during which it was filled by Mr. Webster. They constitute, nevertheless, the most important part of the documentary record of a period of official service, brief, indeed, but as beneficial to the country as any of which the memory is preserved in her annals. The administration of General Harrison found the United States, in the spring of 1841, on the verge of a war, not with a feeble Spanish province, scarcely capable of a respectable resistance, but with the most powerful government on earth. The conduct of our foreign

relations was intrusted to Mr. Webster, as Secretary of State, and in the two years during which he filled that office controversies of fifty years' standing were terminated, new causes of quarrel that sprung up like hydra's heads were settled, and peace was preserved upon honorable terms. The British government, fresh from the conquest of China, perhaps never felt itself stronger than in the year 1842, and a full share of credit is due to the spirit of conciliation which swayed its counsels. Much is due to the wise and amiable minister who was despatched from England on the holy errand of peace; much to the patriotism of the Senate of the United States, who confirmed the treaty of Washington by a larger majority than ever before sustained a measure of this kind which divided public opinion; but the first meed of praise is unquestionably due to the American negotiator. Let the just measure of that praise be estimated, by reflecting what would have been our condition during those exciting years, if, instead of, or in addition to, the war with Mexico, we had been involved in a war with Great Britain.

CHAPTER IX

Mr. Webster resigns his Place in Mr. Tyler's Cabinet.—Supports Mr. Clay's Nomination for the Presidency.—Mr. Webster returns to the Senate.—Admission of Texas to the Union.—The War with Mexico.—Settlement of the Oregon Controversy.—Revival of the Sub-Treasury System and Repeal of the Tariff Law of 1842.—Southern Tour.—Efforts in Congress to organize a Territorial Government for the Provinces gained from Mexico.—Nomination of General Taylor for the Presidency.—Constitution adopted by California prohibiting Slavery.—Increase of Anti-slavery Agitation.—Mr. Webster's "Seventh of March Speech" for the Union.—General Taylor's Death, and the Accession of Mr. Fillmore to the Presidency.—Mr. Webster called to the Department of State.

MR. WEBSTER remained in the Department of State but a little over two years. His last act was the preparation of the instructions of Mr. Cushing, who had been appointed Commissioner to China. Difficulties had occurred the summer before, between President Tyler and some of the members of his Cabinet, and all of those gentlemen, with the exception of Mr. Webster, tendered their resignations, which were accepted. Hard thoughts were entertained of Mr. Webster in some quarters for continuing to hold his seat after the resignation of his colleagues. President Tyler, however, had in no degree withdrawn his confidence from Mr. Webster

in reference to the foreign affairs of the country, nor interfered with the administration of his department, and Mr. Webster conceived that the interests involved in his remaining at his post were far too important to be sacrificed to punctilio. His own sense of duty in this respect was confirmed by the unanimous counsel of the Massachusetts delegation in Congress, and by judicious friends in all parts of the country. In fact, it will be remembered that when difficulties sprung up between Mr. Tyler and the Whig party in Congress, in 1842, the Whig press generally throughout the country called upon the members of the Cabinet appointed by General Harrison to retain their places till they should be removed by Mr. Tyler.

Mr. Webster remained in private life during the residue of President Tyler's administration, occupied as usual with professional pursuits, and enjoying in the appropriate seasons the retirement of his farm. He endeavored by private communications to arouse the feeling of the North to the projects which he perceived to be in agitation for the annexation of Texas, but the danger was regarded at that time as too remote to be contended against. A short time only elapsed before the fulfilment of his anticipations was forced upon the country, with fearful urgency, and a train of consequences of which it was left to posterity to witness the full development. Between the years 1843 and 1845 the fortunes of the United States were subjected to an influence, for good or for evil, not to be exhausted for centuries.

The nomination of Mr. Clay to the Presidency in

1844 was cordially supported by Mr. Webster. He took the field, as in the summer of 1840 in favor of General Harrison.

It is well known that the result of this election was decisive of the question of the annexation of Texas. The opinions expressed by Mr. Van Buren against the immediate consummation of that project had prevented his receiving the nomination of the Baltimore Convention. Mr. Clay was pledged against the measure, and Mr. Polk was selected as its sure friend.

At the first session of the Twenty-ninth Congress (1845-46), Mr. Webster took his seat as the successor of Mr. Choate in the Senate of the United States. The question of the admission of Texas was decided at the very commencement of the session. It was opposed by Mr. Webster. To all the other objections to the measure in his mind was added that of unconstitutionality. The annexation was now brought about simply by a joint resolution of the two houses, after it had been found impossible to effect it by treaty, the only form known to the Constitution by which a compact can be entered into with a foreign power. Mr. Jefferson was of opinion in 1803, that even a treaty with France was not sufficient for the annexation of Louisiana, but that an amendment of the Constitution was necessary for that purpose. In 1845 the Executive and a majority of Congress, having failed to carry the ratification of a treaty of annexation by the constitutional majority, scrupled not to accomplish their purpose by a joint resolution of the two houses; and this measure

was effected under the lead of statesmen who claim to construe the Constitution with literal strictness. Events like these furnish a painful illustration of the frailty of constitutional restraints as a barrier against the consummation of the favorite measures of a dominant party.

The great event of the administration of President Polk was the war with Mexico.

The proffered annexation of Texas had been declined both by General Jackson and Mr. Van Buren, on the ground that, unless made with the consent of Mexico, it would involve a war with that power. That this would be the effect was not less certain on the 2d of December, 1845, when Congress were congratulated on the "bloodless" acquisition, than it was when, on the 13th of January following, General Taylor was instructed to occupy the left bank of the Rio del Norte. In fact, in the very message in which President Polk remarks to Congress "that the sword had had no part in the victory," he gives them also the significant information, that, upon the earnest appeal both of the Congress and convention of Texas, he had ordered "an efficient military force to take a position between the Nueces and the Del Norte."

This force, however efficient in proportion to its numbers and in virtue of the gallantry and skill of its commander, was found to be inadequate to sustain the brunt of the Mexican arms. Rapid movements on the part of Generals Ampudia and Arista, commanding on the frontier, seriously endangered the safety of General Taylor's force, and it became

necessary for Congress to strengthen it by prompt reinforcements. In this way the war was commenced. No formal declaration had taken place, nor had it been in the power of Congress to make known its will on the subject, till an absolute necessity arose of reinforcing General Taylor, and the subject had ceased to be one for legislative discretion.

Under these circumstances it was of course impossible for Mr. Webster to approve the war. It had been brought on by the Executive will, and without the concurrence of Congress till Congress had ceased to have an option, and its well-known ulterior objects were such as he could not but contemplate with equal disapprobation and alarm. Still, however, in common with the body of his political friends, in and out of Congress, he abstained from all factious opposition, and all measures calculated to embarrass the government. The supplies were voted for by him, but he never ceased to urge upon the President to pursue a magnanimous policy toward the distracted and misgoverned country with which he had been brought in collision. Nothing but the most deplorable infatuation could have led the government of Mexico to suppose, that, after the independence of Texas had been recognized by the United States, Great Britain, France, and Belgium, it would be possible for a power as feeble as that of Mexico to reduce the rebellious province to submission.

The settlement of the controversy with England relative to the boundary of Oregon was effected in

the first year of Mr. Polk's administration. The foundations for this adjustment had long been laid; in fact, as long ago as the administration of Mr. Monroe, the United States had offered to England the obvious basis of the extension of the forty-ninth degree of latitude to the Pacific. Great Britain allowed herself to be influenced by the Hudson's Bay Company so far, as to insist upon following the course of the Columbia down to the sea. She even took the extravagant ground that, although the United States, by the Louisiana and Florida treaties, combined the Spanish and the French titles with that of actual contiguity and prior discovery of the Columbia River, they had no exclusive title to *any* portion of the territory, but that it was all subject to her own joint and rival claim. This unreasonable pretension brought the two countries to the verge of war. The Baltimore Convention, in the year 1844, set up a claim, equally unreasonable, to the whole of the territory. President Polk in his inaugural message, quoting the words of the resolution of the Baltimore Convention, pronounced our title to the territory to be "clear and unquestionable."

The assertion of these opposite extremes of pretension happily resulted in the final adjustment on the forty-ninth degree. Mr. Webster had uniformly been of opinion that this was the fair basis of settlement. Had he supposed that an arrangement could have been effected on this basis with Lord Ashburton, he would gladly have included it in the treaty of Washington. After Mr. Webster's retirement from

the Department of State, it is stated by President Polk that Mr. Upshur instructed Mr. Everett to offer that line to the British government; but the negotiation had in the mean time, by the appointment of Mr. Pakenham, been transferred to Washington. The offer of the forty-ninth degree of latitude was renewed to Mr. Pakenham, but accompanied with conditions which led him to decline it, and to express the hope that the United States would make "some further proposal for the settlement of the Oregon question more consistent with fairness and equity, and with the reasonable expectations of the British government." The offer thus injudiciously rejected was withdrawn by the administration. In this dangerous juncture of affairs, the following incidents occurred, which we give in the words of the *London Examiner*:

"In reply to a question put to him in reference to the present war establishments of this country, and the propriety of applying the principle of arbitration in the settlement of disputes arising among nations, Mr. McGregor, one of the candidates for the representation of Glasgow, took occasion to narrate the following very important and remarkable anecdote in connection with our recent, but now happily terminated differences with the United States on the Oregon question. At the time our ambassador at Washington, the Hon. Mr. Pakenham, refused to negotiate on the forty-ninth parallel of north latitude as the basis of a treaty, and when by that refusal the danger of a rupture between Great Britain and America became really imminent, Mr. Daniel Webster, formerly Secretary of State to the American government, wrote a letter to Mr. McGregor, in which he strongly deprecated Mr. Pakenham's conduct, which, if persisted in and adopted at home, would, to a certainty, embroil the two countries, and suggested an equitable compromise, taking the forty-ninth parallel as the basis of an

adjustment. Mr. McGregor agreeing entirely with Mr. Webster in the propriety of a mutual giving and taking to avoid a rupture, and the more especially as the whole territory in dispute was not worth £20,000 to either power, while the preparations alone for a war would cost a great deal more before the parties could come into actual conflict, communicated the contents of Mr. Webster's letter to Lord John Russell, who at the time was living in the neighborhood of Edinburgh, and, in reply, received a letter from Lord John, in which he stated his entire accordance with the proposal recommended by Mr. Webster, and approved of by Mr. McGregor, and requested the latter, as he (Lord John) was not in a position to do it himself, to intimate his opinion to Lord Aberdeen. Mr. McGregor, through Lord Canning, Under-Secretary for the Foreign Department, did so, and the result was, that the first packet that left England carried out to America the proposal, in accordance with the communication already referred to, on which the treaty of Oregon was happily concluded. Mr. McGregor may, therefore, be very justly said to have been the instrument of preserving the peace of the world; and, for that alone, even if he had no other services to appeal to, he has justly earned the applause and admiration, not of his own countrymen only, but of all men who desire to promote the best interests of the human race."

Without wishing to detract in any degree from the praise due to Mr. McGregor for his judicious and liberal conduct on this occasion, the credit of the main result is exclusively due to his American correspondent. A powerful influence was ascribed also to an able article in the *Edinburgh Review* for April, 1845, in which the reasonableness of this basis of settlement was set forth with great ability.

The first session of the Twenty-ninth Congress was signalized by the revival of the sub-treasury system, and the overthrow of the tariff of 1842. At a moment when the public finances were, in ref-

erence to the means of collection, custody, and transfer, in a sound and healthy condition, the administration deemed it expedient to subject the country and the treasury to the hazard and inconvenience of a change. Mr. Webster spoke with equal earnestness and power against the renewal of experiments which had already proved so disastrous; but the bill was carried by a party vote. The same success attended the President's recommendation of an entire change in the revenue system, by which, instead of specific duties, *ad valorem* duties were to be assessed on the foreign valuation. Various other changes were made in the tariff established in 1842, equally tending to depress our own manufactures, and to give a preference to foreign over native labor, and this even in cases where no benefit could be expected to accrue to the treasury from the change. Mr. Webster made a truly Herculean effort against the government project, in his speech of the 25th and 26th of July, 1846, but the decree had gone forth. The scale was turned by the Senators from the new State of Texas, which had been brought into the Union by the votes of members of Congress whose constituents had the deepest interest in sustaining the tariff of 1842.

In the spring of 1847, after the adjournment of Congress, Mr. Webster undertook a tour to the South. His object was to pass by the way of the Atlantic States to New Orleans, and to ascend the Mississippi. He had never seen that part of the Union, and promised himself equal gratification and instruction from an opportunity, however brief, of

personal inspection. He was ever of opinion that higher motives than those of curiosity and recreation should lead the citizens of different parts of the country to the interchange of visits of this kind. That they had become so much less frequent than they were in former years he regarded as one of the inauspicious features of the times. He was accompanied on this excursion by his family. They passed hastily through Virginia and North Carolina to South Carolina. At Charleston he was received with the most distinguished attention and cordiality. He was welcomed on his arrival by an assemblage of the most respectable citizens. Entertainments were given him by the New England Society of Charleston and by the Charleston Bar. At these festivals the sentiments and speeches were of the most cordial description. Similar hospitalities and honors were paid him at Columbia, Augusta, and Savannah. No trace of sectional or party feeling detracted from the warmth of his reception. His visit was everywhere regarded as an interesting public event. Unhappily, his health failed him on his arrival at Savannah; and the advance of the season made it impossible for him to execute the original project of a journey to New Orleans. He was compelled to hasten back to the North.

Meantime events of higher importance were in progress. Success crowned our arms in the Mexican war. The military skill, gallantry, and indomitable resolution of the great captains to whom the chief command of the war had been committed (though not by the first choice of the administra-

tion), aided by the spirit and discipline of the troops, achieved the conquest of Mexico. Peace was dictated to her from Washington, and a treaty concluded, by which extensive portions of her territory, comprising the province of New Mexico and a considerable part of California, were ceded to the United States. Mr. Webster, foreseeing that these cessions would prove a Pandora's box of discord and strife between the different sections of the Union, voted against the ratification of the treaty. He was sustained in this course by some Southern Whig Senators, but the constitutional majority deemed any treaty better than the continuation of the war.

With the restoration of peace, the question what should be done with the territories presented itself with alarming prominence. Formidable under any circumstances, it became doubly so in consequence of the discovery of gold in California, and the prodigious rush to that quarter of adventurers from every part of the world. Population flocked into and took possession of the country, its ancient political organization, feeble at best, was subverted, and the immediate action of Congress was necessary to prevent a state of anarchy. The House of Representatives passed a bill providing for the organization of a territorial government for the provinces newly acquired from Mexico, with the anti-slavery proviso, borrowed from the Ordinance of 1787. This bill failed to pass the Senate, and nothing was done at the first session of the Thirtieth Congress to meet the existing emergency in California.

In consequence of months of disagreement be-

tween the Houses of Congress as to the provinces recently acquired from Mexico, all provision for the territories was sacrificed; but a bill which had previously passed the House, extending the revenue laws of the United States to California, was passed by the Senate, and rescued the people of California from an entire destitution of government on behalf of the United States. The Senate on this occasion was, for the first time since the adoption of the Constitution, on the verge of disorganization; and it was felt throughout the day and night, that it was saved from falling into that condition mainly by the parliamentary tact and personal influence of Mr. Webster. This tribute was paid to Mr. Webster's arduous exertions on that occasion by a member of Congress warmly opposed to him.

Not the least important consequence of the Mexican war was the political revolution in the United States of which it was the cause. When the policy of invading and conquering Mexico was determined upon, it was probably regarded by the administration as a measure calculated to strengthen their party. Opponents were likely to expose themselves to odium by disapproving the war. The commanding generals were both Whigs, and one of them had been named as a candidate for the Presidency. It was probably thought that, if they succeeded, the glory would accrue to the administration; if they failed, the discredit would fall upon themselves.

If anticipations like these were formed, they were signally disappointed. A series of the most brilliant triumphs crowned the arms both of General

Taylor and General Scott. Those of General Taylor were first in time; and as they had been preceded by doubts, anxieties, and, in the case of Buena Vista, by rumors of disaster, they took the stronger hold of the public mind. The nomination for the Presidency was not reserved for the Whig convention. It was in effect made at Palo Alto and Monterey, and was confirmed at Buena Vista. It was a movement of the people to which resistance was in vain.

Statesmen and civilians, however, might well pause for a moment. The late experience of the country, under a President elected in consequence of military popularity, was not favorable to a repetition of the experiment; and General Taylor was wholly unknown in political life. At the Whig convention in Philadelphia other distinguished Whigs, General Scott, Mr. Clay, and Mr. Webster, had divided the votes with General Taylor. He was, however, selected by a great majority as the candidate of the party. Mr. Webster took the view of this nomination which might have been expected from a veteran statesman and a civilian of forty years' experience in the service of the country. He had, in common with the whole Whig party, in General Jackson's case, opposed the nomination of a military chieftain.

On his accession to the Presidency, however, General Taylor found Mr. Webster disposed and prepared to give his administration a cordial and efficient support.

In the summer and autumn of 1849 events of the utmost importance occurred in California. The

people of that region, left almost entirely without a government by Congress, met in convention to form a constitution; and although nearly half of the members who were new-comers were from the Southern States, they unanimously agreed to the prohibition of slavery. The constitution prepared by the convention was accepted by the people, and with it they applied for admission to the Union.

Other occurrences, however, had in the meantime taken place, which materially increased the difficulties attending the territorial question. The subject of slavery had for fifteen or twenty years been agitated with steadily increasing warmth, and for the latter portion of the period with growing violence. On the acquisition of the Mexican provinces, the representatives of the non-slaveholding States generally deemed it their duty to introduce into the acts passed for their government a restriction analogous to the anti-slavery proviso of the Ordinance of 1787. A motion to this effect having been made by Mr. Wilmot of Pennsylvania, by way of amendment to one of the appropriation bills passed during the war, the restriction has obtained the name of the "Wilmot Proviso." This motion in the House of Representatives was extensively seconded by the press, by popular assemblies, and by legislative resolutions throughout the non-slaveholding States, and caused a considerable increase of anti-slavery agitation.

The South, of course, took an interest in the question not inferior to that of the North. The extension of the United States on the southwestern frontier had long been a cardinal point in the policy of

most Southern statesmen. The application of an anti-slavery proviso to territories acquired by conquest in that quarter came into direct conflict with this policy. Meetings were accordingly held at Washington during the first session of the Thirtieth Congress, attended by a majority of the members from the slaveholding States, to take into consideration the measures proper to be adopted. At one of these meetings a sub-committee was appointed, of which Mr. Calhoun was chairman, to prepare an address "of the Southern delegates to their constituents." At a subsequent meeting a substitute for this address was submitted to Mr. Berrien of Georgia, under the title of an address "to the people of the United States." The original paper was, however, adopted in preference, and received the signatures of forty-eight of the members of Congress from the slaveholding States. Of these all but two were of the Democratic party.

These proceedings contributed materially to increase the discontents existing at the South. Nor was the progress of excitement less rapid at the North. The nomination of General Taylor by the Whig convention, accompanied by the refusal of that convention to countenance the Wilmot Proviso, led to the organization of the Free Soil party in the non-slaveholding States. In the summer of 1848, a convention of delegates of this party assembled at Buffalo in New York, at which an anti-slavery platform was adopted, and Mr. Van Buren was nominated as a candidate for the Presidency.

These occurrences and the state of feeling which

they created, or indicated, appeared to Mr. Webster to constitute a crisis in the condition of the country of a most formidable description. Opinion at the North and South had, in his judgment, either reached, or was rapidly reaching, a point at which the coöperation of the two sections of the country in carrying on the government as coequal members of the Federal Union would cease to be practicable. The constitutional opinions and the views on the subject of slavery set forth in Mr. Calhoun's address he deemed to be such as could never be acquiesced in by the non-slaveholding States. On the other hand, the organization of a party on the basis of anti-slavery agitation at the North appeared to him equally menacing to the Union. The professions of attachment to the Union and the Constitution made on both sides, and often, no doubt, in entire good faith, did but increase the danger, by their tendency to produce misapprehension and self-deception as to the really irreconcilable nature of the opposite extremes of opinion.

It was his profound and anxious sense of the dangers of the Union, in this crisis of affairs, which reconciled Mr. Webster to the nomination of General Taylor. He saw in his position as a citizen of a Southern State and a slaveholder the basis of support to his administration from that quarter of the Union; while his connection with the Whig party, the known moderation of his views, with his declared sentiments on the subject of the Presidential veto, were a sufficient ground for the confidence of the North. In fact, in the existing state of things, it

was soon apparent that there was no other candidate of either party so well calculated to allay sectional differences, and guide the vessel of state over the stormy sea of excitement and agitation.

But whatever reliance might justly have been placed upon the character and disposition of General Taylor, the prospect of affairs was sufficiently dark and inauspicious. Thoughtful persons looked forward to a struggle on the territorial question, at the first session of the Thirty-first Congress, which would convulse the country. In this state of things the event which we have already alluded to took place, and California presented herself for admission as a State, with a constitution prohibiting slavery. As California was the only portion of the Mexican territory in reference to which the question was of practical importance, Mr. Webster derived from this unexpected and seasonable occurrence a gleam of hope. It removed a topic of controversy in reference to which it had seemed hopeless to propose any terms of compromise; and it opened as it were providentially, the door for an understanding on other points, on the basis of carrying into execution existing compacts and constitutional provisions on the one hand, and not strenuously insisting, on the other hand, upon applying the anti-slavery proviso where, as in Utah and New Mexico, he was persuaded it could be of no practical importance.

On these principles, and with this object in view, Mr. Webster made his great speech of the 7th of March, 1850.

It would be too much to expect, in reference to a

subject of so much difficulty, and one on which the public mind has been so greatly excited, that a speech of this description should find universal favor in any part of the country. It is believed, however, that by the majority of patriotic and reflecting citizens in every part of the United States, while on single topics there may be differences of opinion, it has been regarded as holding out a practical basis for the adjustment of controversies, which had already gone far to dissolve the Union, and could not be much longer pursued without producing that result. If those who have most strongly expressed their dissent from the doctrines of the speech (we do not, of course, allude to the mere clamor of political or personal enemies) had paused from the work of denunciation, and make the attempt themselves to lay down *a practicable platform* on which this great controversy could in fact be settled, and the union of the States perpetuated, they would not find it so hard to censure what is done by others as to do better themselves. It was quite easy to construct a Southern platform or a Northern platform; the difficulty was to find a basis on which South and North will be able and *willing* to stand together. Of all those who have condemned the views of Mr. Webster, who has gone further than he, in the speech of the 7th of March, 1850, to furnish such a basis? Or rather, we may ask, who of those that have been loudest in condemnation of his course has taken a single step toward effecting this paramount object?

Mr. Webster's thoughts are known to have been earnestly and profoundly employed on this subject

from the commencement of the session. He saw beforehand the difficulties and the dangers incident to the step which he adopted, but he believed that, unless some such step was taken in the North, the separation of the States was inevitable. The known state of opinion of leading members of Congress led him to look for little support from them. He opened the matter to some of his political friends, but they did not encourage him in the course he felt bound to pursue. He found that he could not expect the co-operation of the members of Congress from his own State, nor that of many of the members from the other Northern States. He gave up all attempt to rally beforehand a party which would sustain him. His own description of his feelings at the time was, "that he had made up his mind to embark alone on what he was aware would prove a stormy sea, because, in that case, should final disaster ensue, there would be but one life lost." But he believed that the step which he was about to take would be sanctioned by the mass of the people, and in that reliance he went forward.

While the compromise measures were still undecided before Congress, about midsummer of 1850, President Taylor was removed from his high office by death. In the reorganization of the Executive occasioned by this event, Mr. Webster, to the general satisfaction of the country, was placed by President Fillmore at the head of the administration, as the Secretary of State.

At this point—with the exception of an eloquent

eulogy of his friend as an unselfish citizen and a great statesman—ends Mr. Everett's biographical memoir of Daniel Webster. Writing as he did while Mr. Webster was still living (the memoir being prefatory to an edition of the great man's Works). Mr. Everett's sense of delicacy prevented his mention of one notable element of Mr. Webster's life, his honorable ambition for the Presidency.

In 1848, the general feeling of his friends was that he would receive the Whig nomination; but the popularity of General Zachary Taylor, the hero of the Mexican War, effected the nomination and election of that officer. In 1850, during the debates on Clay's Compromise measures, Mr. Webster delivered his famous "Seventh of March" speech, alluded to above. His ardent belief in the Union, dread of civil war—which he felt to be approaching unless it could be prevented by conciliation and horror of secession—against which that speech contained a thrillingly powerful appeal, led him to urge the Compromise, and even to justify the Fugitive Slave bill which was a part of it. The anti-slavery sentiment of the North violently repudiated this, as a bid for Southern Whig favor; but most unjustly in the case of this man, who had never swerved from principle for personal profit. In 1852, however, after his successful service as the head of Mr. Tyler's cabinet (following President Taylor's death in 1850), Mr. Webster's friends again looked for his nomination; but he was not forgiven, and the honor went to General Scott.

In May of that year, Mr. Webster was seriously

injured in a carriage accident at his farm in Marshfield, Mass., and the effects of this, of his forty years of laborious public service, and of the rapid advance of some chronic ailments—perhaps, too, the mortification of disappointment at being misjudged and at missing the crowning ambition of his life—swiftly undermined his health. He died at Marshfield, October 24, 1852, at seventy years of age.

Dr. John Lord, in his "Beacon Lights of History," has well summed up Webster's character. Recognizing his defects, he adds: "But these were overbalanced by the warmth of his affection for his faithful friends, simplicity of manners and of taste, courteous treatment of opponents, dignity of character, kindness to the poor, hospitality, enjoyment of rural scenes and sports, profound religious instincts, devotion to what he deemed the welfare of his country, independence of opinions and boldness in asserting them at any hazard and against all opposition, and unbounded contempt of all shams and tricks. . . . His fame will spread, and grow wider and greater, like that of Bacon and Burke, and of other benefactors of mankind; and his ideas will not pass away until the glorious fabric of American institutions, whose foundations were laid by God-fearing people, shall be utterly destroyed, and the Capitol where his noblest efforts were made shall become a mass of broken and prostrate columns beneath the débris of the nation's ruin."

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